	Page 1		Page 3
1	UNITED STATES DISTRICT COURT	1	APPEARANCES
2	MIDDLE DISTRICT OF ALABAMA	2	KENNETH L. THOMAS and RAMADANAH SALAAM-JONES,
3	EASTERN DIVISION MACON COUNTY INVESTMENTS,)	3	Attorneys-at-Law, of the law firm of
_	)	4	THOMAS, MEANS, GILLIS & SEAY, P.C.,
5	INC.; REACH ONE, TEACH )	5	3121 Zelda Court, Montgomery,
6	ONE OF AMERICA, INC., )	6	Alabama 36106; appearing as counsel
7	)	7	for the Plaintiffs.
7	Plaintiffs, )	8	GARY A. GRASSO, Attorney-at-Law, of the law firm
8	-vs- () CASE NO.	9	of GRASSO DUNLEAVY, P.C., 7020
9	) SHERIFF DAVID WARREN, ) 3:06-CV-224-WKW	10	County Line Road, Suite 100, Burr
ľ	)	11	Ridge, Illinois 60527; appearing as
10	in his official capacity)	12	counsel for the Plaintiffs.
11	as the SHERIFF OF MACON )	13	FRED D. GRAY and FRED D. GRAY, JR.,
	) '	14	Attorneys-at-Law, of the law firm
12	COUNTY, ALABAMA, )	15	of GRAY, LANGFORD, SAPP, McGOWAN,
13	) Defendant. )	16	GRAY & NATHANSON, 104 W. Northside
14	STIPULÁTIONS	17	Street, Tuskegee, Alabama 36083;
15 16	IT IS STIPULATED AND AGREED, by and between the parties through their respective	18	appearing as counsel for the
17	counsel, that the deposition of:	19	Defendant.
18	DAVID M. WARREN,	20	ALSO PRESENT:
19 20	may be taken before Belinda S. Brewster, Commissioner and Notary Public for the State of	21	CHARLANNA SPENCER, SASSER, BOLTON, STIDMAN &
21	Alabama at Large, on the 15th day of August,	22	SEFTON, P.C.
22	2006, commencing at approximately 9:10 a.m., at	23	GREG A. CARR, SR., Attorney-at-Law
23	the law offices of Thomas, Means, Gillis & Seay,		
	Page 2		Page 4
1	P.C., 3121 Zelda Court, Montgomery, Alabama;	1	APPEARANCES (Cont'd.)
2	said deposition taken pursuant to the Federal	2	REVEREND WALTER WALKER, REACH ONE, TEACH ONE
3	Rules of Civil Procedure.	3	FRANK THOMAS, MACON COUNTY INVESTMENTS, INC.
4	IT IS STIPULATED AND AGREED that it	4	
5	shall not be necessary for any objections to be	5	
6	made by counsel to any questions, except as to	6	
7	form or leading questions, and that counsel for	7	
8	the parties may make objections and assign	8	
9	grounds at the time of the trial, or at the time	9	
10	said deposition is offered in evidence, or prior	10	
11	thereto.	11	
12	In accordance with Rule 5(d) of The	12	
13	Alabama Rules of Civil Procedure, as amended,	13	•
14	effective May 15, 1988, I, Belinda S. Brewster,	14	·
15	am hereby delivering to Kenneth L. Thomas the	15	
16	original transcript of the oral testimony of	16	
17	David M. Warren taken on the 15th day of August,	17	
18	2006, along with exhibits.	18	
19	Please be advised that this is the	19	
20	same and not retained by the Court Reporter, nor	20	
21	filed with the Court.	21	
22		22	
23		23	

		Page 5		Page 7
1		INDEX	1	EXHIBITS
2	Witness		2	Plaintiffs'
3		M. WARREN	3	Exhibit No. Description Page
4		mination by Mr. Thomas 8	4	10(A) Proposed Entertainment 239
5		nination by Mr. Gray, Jr. 298	5	Complex
6		ner Examination by Mr. Thomas 316	6	10(B) Boundary Survey 240
7	i Giu	To Examination by IVII. Thomas 516	7	10(C) WITHDRAWN
8		EXHIBITS	8	11 Instructions for Bingo 254
9	Plaintiff	3	9	License Application (2 Pages)
10		No. Description Page	10	12 Application for Bingo 271
11	1	Amendment 744 Ratified 13	11	License Dated 12-8-03
12	2	Rules and Regulations for 23	12	(2 Pages)
13	_	the Licensing and Operation	13	13 WITHDRAWN
14		of Bingo Games in Macon	14	14 Various Applications for 319
15		County (11 Pages)	15	Bingo Licenses (113 Pages)
16	3	2006 Class B Bingo License, 103	16	15 Newspaper Article 321
17		Tuskegee Human & Civil	17	
18		Rights & Multicultural	18	
19		Center (3 Pages)	19	
20		, ,	20	
21			21	
22			22	REPORTER'S NOTE: Plaintiff's Exhibit No. 15 not
23			23	furnished to court reporter.
		Page 6		Page 8
1		EXHIBITS (Cont'd.)	1	I, Belinda S. Brewster, as
2	Plaintiff		2	Commissioner and Notary Public for the State of
3	Exhibit	No. Description Page	3	Alabama at Large, certify that pursuant to Rule
4	4	First Amended and Restated 112	4	30 of the Alabama Rules of Civil Procedure and
5		Rules and Regulations for the	5	the foregoing stipulations of counsel, there
6		Licensing and Operation of	6	came before me at the law offices of Thomas,
7		Bingo Games in Macon County,	7	Means, Gillis & Seay, P.C., 3121 Zelda Court,
8		Alabama (14 Pages)	8	Montgomery, Alabama 36106, on the 15th day of
9	5	2006 Class B - Bingo License 175	9	August, 2006, commencing at approximately 9:10
10		Franklin Volunteer Fire	10	a.m., David M. Warren, witness in the above
11		Department (3 Pages)	11	cause, for oral examination and the following
12	6	Second Amended and Restated 175	12	proceedings were had:
13		Rules and Regulations for the	13	COURT REPORTER: Usual
14		Licensing and Operation of	14	stipulations?
15		Bingo Games In Macon County,	15	MR. GRAY, JR.: Read and sign.
16		Alabama (13 Pages)	16	DAVID M. WARREN,
17	7	News Release, A.G. King 185	17	a witness of lawful age, having sworn or
18		Announces Findings of his	18	affirmed to tell the truth, the whole truth, and
19		Gambling Review, 12-1-04	19	nothing but the truth, was examined and
20	_	(4 Pages)	20	testified as follows:
	8	Various 2006 Class B - Bingo 219	21	EXAMINATION BY MR. THOMAS:
21				
21 22 23	9	Licenses (155 Pages)  Bingo Package (55 Pages) 228	22 23	Q. Sheriff, your attorney just advised that you wanted to read and sign. Do you

	Page 9		Page 11
1	understand what that is?	1	A. (Whereupon, the witness indicated
i	A. No.	2	an affirmative response by nodding his head up
2	MR. THOMAS: Okay. Fred, do you	3	and down.)
3	need to explain it to him?	4	Q. I will do my best to make my
4 5	MR. GRAY, JR.: Just that when we	5	questions as clear as possible. Sometimes I've
i	once the transcript is prepared, then you'll	6	been told I fail to do that. Okay. But if
6	have an opportunity to review it so that if	7	anywhere along the line you do not understand
7 8	there are any corrections that need to be made	. 8	any question that I ask of you, don't hesitate
9	you'll have an opportunity to do that.	9	to let me know, and I will reask it or rephrase
10	Q. (By Mr. Thomas) Do you have any	10	it.
11	questions regarding that, sheriff?	11	Okay?
ŀ		12	A. Yes.
12		13	MR. GRAY, JR.: Kenny, do you mind
13		14	if I ask one questions?
14	may, from time to time, can I just call you sheriff as opposed to	15	MR. THOMAS: Yes.
15	Sheriff as opposed to A. That's fine.	16	MR. GRAY, JR.: I noticed there are
16		17	some others at the table. Would you identify
17		18	them and their capacities today?
18		19	MR. THOMAS: If I could, Mr. Frank
19	Q. Sheriff, if I may, let me introduce myself. My name is Kenneth Thomas and I, along	20	Thomas from MCI, Montgomery County Investments;
20	with Ramadanah Salaam-Jones and Gary Grasso,	21	Mr. Greg Carr from MCI and also Reverend Walker,
21	represent the plaintiffs in the lawsuit that has	22	Reach One, Teach One.
22 23	been filed against you, which is styled	23	MR. GRAY, JR.: Okay.
23	been filed against you, which is styled		
	Page 10		Page 12
1	Montgomery County Investments, Inc. and Reach	1	MR. THOMAS: And those are the
2	One, Teach One versus Sheriff David Warren.	2	people present.
3	A. Uh-huh (affirmative).	3	Q. Okay. Sheriff, you've been served
4	<ul> <li>Q. You are familiar with that lawsuit,</li> </ul>	4	with plaintiffs' notice of taking your
5	aren't you?	5	deposition for here today?
6	A. Yes.	6	A. Yes.
7	<ul> <li>Q. Okay. Sheriff, also present are</li> </ul>	7	Q. And you have also been previously
8	parties and some attorneys. And I think your	8	served with plaintiffs' request for admissions
9	attorneys of record are Mr. Fred Gray, Sr. and	9	and also the plaintiffs' first set of
10	also Mr. Fred Gray, Jr.; is that correct?	10	interrogatories and request for production of
11	A. Yes.	11	documents?
12	Q. There is a representative who	12	A. Yes.
13	represents some proposed intervenors into the	13	Q. And your attorney, through your
14	lawsuit.	14	• • • • • • • • • • • • • • • • • • • •
15	MR. THOMAS: And please forgive me.	15	
16	Could I have your name?	16	· · · · · · · · · · · · · · · · · · ·
17	MS. SPENCER: Charlanna Spencer.	17	• • •
18	Q. (By Mr. Thomas) And she, along	18	· -
	with John Bolton, represent those proposed	19	•
19			A 6.1
20	intervenors. Okay. The Court has not ruled on	20	
20 21	intervenors. Okay. The Court has not ruled on that. So she, nor Mr. Bolton, will be asking	21	Q. Is there anything you would like to
20	intervenors. Okay. The Court has not ruled on	1	<ul> <li>Q. Is there anything you would like to bring to the Court's attention or the parties'</li> </ul>

	Page 13		Page 15
1	to answer any questions?	1	Q. Okay. Did you have any discussions
2	A. No.	2	with any Representative or Senator representing
3	Q. If we may, sheriff, I'll get	3	Macon County that possibly spearheaded or led
4	started.	4	the charge for this amendment being enacted?
5	(Whereupon, said document was	5	A. No.
6	marked for identification as	6	Q. Are you familiar with the name of a
7	Plaintiffs' Exhibit No. 1 to the	7	former Representative in Macon County by the
8	deposition of David M. Warren.)	8	name of Johnny Ford?
9	Q. Sheriff, if I may, the lawsuit that	9	A. Yes, I am.
10	has been filed basically represents a has	10	Q. What's your knowledge of Mr. Ford?
11	raised several legal issues regarding licensing	11	<ul> <li>A. He's the Mayor of Tuskegee and</li> </ul>
12	of bingo games in Macon County.	12	later State Representative.
13	And what I would like to show you	13	Q. And he's currently Mayor of
14	in Exhibit No. 1 is an amendment to the Alabama	14	Tuskegee?
15	Constitution, which is referenced as Amendment	15	A. Yes.
16	744, and it's styled Bingo Games in Macon	16	<ul><li>Q. But at times I'm assuming during</li></ul>
17	County.	17	2003 he was a State Representative representing
18	Are you familiar with this	18	Macon County; is that correct?
19	document?	19	A. Yes.
20	A. Yes.	20	<ul> <li>Q. And when was the first knowledge</li> </ul>
21	Q. And if you would, sheriff, I would	21	that you had about Amendment 744?
22	represent to you that this amendment to the	22	A. I would believe I when it was
23	Alabama Constitution, and I think also by	23	introduced in the House and when it passed and
	Page 14		Page 16
1	referendum, was approved by the voters on	1	was - you know, just before the voters voted on
2	November 4th, 2003.	2	it.
3	Is that your recollection?	3	Q. How long had you been sheriff in
4	A. Yes.	4	Macon County at that time. Let's say November
5	<ul> <li>Q. And as provided for in Amendment</li> </ul>	5	of 2003. How long had you been sheriff?
6	744, the operation of bingo games for prizes of	6	<ul> <li>A. 2003. Approximately eight, eight</li> </ul>
7	money by nonprofit organizations for charitable,	7	and a half years.
8	educational or other lawful purposes shall be	8	Q. And that would have been at least
9	legal in Macon County. The sheriff shall	9	two terms, wouldn't it?
10	promulgate rules and regulations for the	10	A. Yes.
11	licensing and operation of bingo games within	11	<ul> <li>Q. And it's your statement here today</li> </ul>
12	the county.	12	that no one ever said anything or sought your
13	Sheriff, if you may, would you	13	input or suggestions about any legislation
14	share with the Court what, if any, part, role or	14	regarding bingo gaming in Macon County?
15	involvement you had with the passage and	15	A. That's it.
16	subsequent enactment of Amendment 744?	16	Q. You are aware that under this
17	Did you play any part in	17	amendment that you are the sole authority for
18	A. No.	18	issuing licensing for bingo gaming in Macon
19	Q the drafting of it?	19	County?
ł			* 3/
20	A. No.	20	A. Yes.
20 21	<ul><li>A. No.</li><li>Q. Are you familiar with the</li></ul>	21	Q. You and yourself alone?
20	A. No.	1	

		Page 17		Page 19
1	about it?		1	had you had any training, experience or exposure
2	A.	Huh-uh (negative).	2	to gaming?
3	Q.	If I may, let me ask, what's your	3	
4		nal background, sheriff?	4	Q. Sheriff, if I could, again, I'd
5	A.	I'm a graduate of Tuskegee	5	like to refer you back to Plaintiffs' Exhibit 1,
6	Universi	-	6	Amendment 744.
7	Q.	Not Institute?	7	The amendment states very clearly
8	A.	Well	8	that the sheriff shall insure compliance
9	Q.	Tuskegee?	9	pursuant to any rule or regulation and the
10	A.	Tuskegee University.	10	following requirements, which are spelled out in
11	Q.	Good enough. What year did you	11	Paragraphs (1) through (6).
12	finish the	_	12	
13	Α.	'89.	13	When the amendment went into effect, as we have
14	Q.	And what employment have you had	14	
15		being elected sheriff?	15	
16	Α.	I was a police officer.	16	advised that this was an amendment to the
17	Q.	And would that be with the City of	17	7 Alabama Constitution?
18	Tuskege		18	
19	A.	The City of Tuskegee.	19	
20	Q.	And how long were you a member of	20	
21		ce force there in Tuskegee?	21	
22	Α.	Approximately 20 years.	22	2 you learn that Amendment 744 was on the books?
23	Q.	And when were you first elected	23	A. Johnny Ford.
		Page 18		Page 20
1	sheriff o	of Macon County?	1	1 Q. Representative Johnny Ford?
2	A.	1995.	2	
3	Q.	And you're currently holding that	3	•
4	office no	•	4	
5	A.	Yes.	5	
6	Q.	Just recently winning re-election?	6	
7	д. А.	Yes.	7	
8	Q.	Is there any other education,	8	
9		or background you've had beyond your	9	
10		or's degree at Tuskegee University?	10	
11	A.	Other than service training,	11	
12		ional training.	12	•
13	•	In law enforcement?	13	3 Q. And what was the first thing that
14		Yes.	14	
15		Is that pretty much the extent of	15	5 A. Contacted my attorney.
16		lucational background	16	
17	•	Yes, it is.	17	7 did you say to your attorney, but who was the
18		law enforcement?	18	8 attorney that you contacted?
19		Uh-huh (affirmative).	19	
20		What was your undergraduate degree	20	
21		egee University in?	21	
22		Hospitality and management.	22	22 privilege. If we could, had Mr. Gray previously
1 44				23 been representing you or the sheriff's

	Page 21		Page 23
1	department?	1	MR. GRAY, JR.: No objection.
2	A. Well, since I was the police chief,	2	(Whereupon, said document was
3	yeah, and working with me.	3	marked for identification as
4	Q. Okay. As a police chief?	4	Plaintiffs' Exhibit No. 2 to the
5	A. Yes.	5	deposition of David M. Warren.)
6	Q. Of the City of	6	Q. Sheriff, if I may, let me show you
7	A. Tuskegee.	. 7	what has been marked as a part of your
8	Q. What I would like to do now is	8	deposition as Plaintiffs' Exhibit 2. And I
9	focus on your capacity as sheriff of Macon	9	would ask you it's a rather thick document.
10	County, and my question rephrased would be:	10	So, I would ask you to take your time and review
11	Did Mr. Gray represent you at times	11	it and let me know if you recognize that
12	as sheriff and	12	document.
13	A. Yes.	13	MR. THOMAS: Fred, all of them are
14	Q. And what did you say to Mr. Gray?	14	there, but I'm going to do it separately.
15	MR. GRAY, JR.: I'm going to object	15	MR. GRAY, JR.: Okay. Now, you
16	to that. Attorney/client privilege. Any	16	realize that we we have three copies of the
17	conversation that he and I had	17	first amendment. Did you intend
18	MR. THOMAS: Well, let me see	18	MR. THOMAS: Yeah. I see how it
19	MR. GRAY, JR.: would be	19	was done. It's the first one, and that's the
20	protected by the privilege.	20	way I would like for it to be. I think it's
21	Q. (By Mr. Thomas) Let me see if I	21	apparent we have a different understanding.
22	can rephrase it.	22	MR. GRAY, JR.: No problem.
23	Sheriff, you recognize that as an	23	MR. GRAY: This is the first
	Page 22		Page 24
1	elected officer in the position of sheriff, you	1	amendment, not the original. You want to give
2	are a state official?	2	him
3	A. Yes.	3	MR. THOMAS: This is the original.
4	Q. So, what I want to do is focus my	4	MR. GRAY, JR.: No, no.
5	inquiry to you as a state official, what steps	5	MR. GRAY: No. You have the first
6	did you take initially relating to Amendment	6	amendment, not the original one that was adopted
7	744?	7	in December in '03.
8	<ol> <li>I contacted my attorney.</li> </ol>	8	MR. THOMAS: Let me see. Hold on a
9	<ul> <li>Q. And after contacting your attorney,</li> </ul>	9	second. Thanks.
10	what did you do as sheriff?	10	MR. GRAY: All right.
1	A I be a see to their teach out the mules	11	MR. GRAY, JR.: He's got the
11	<ul> <li>A. I began to think about the rules</li> </ul>	1	
11 12	and regulations.	12	original.
1	_	1	original. Q. (By Mr. Thomas) Sheriff, if you
12	and regulations.	12	original.  Q. (By Mr. Thomas) Sheriff, if you would, this is marked as Plaintiffs' Exhibit 2,
12 13	and regulations.  Q. And, if you would, define for me or describe to me what you did as a part of your thinking about the rules.	12 13	original.  Q. (By Mr. Thomas) Sheriff, if you would, this is marked as Plaintiffs' Exhibit 2, and it purports to be and it's styled Rules and
12 13 14	and regulations.  Q. And, if you would, define for me or describe to me what you did as a part of your	12 13 14	original.  Q. (By Mr. Thomas) Sheriff, if you would, this is marked as Plaintiffs' Exhibit 2, and it purports to be and it's styled Rules and Regulations for the Licensing and Operation of
12 13 14 15	and regulations.  Q. And, if you would, define for me or describe to me what you did as a part of your thinking about the rules.  A. Discussed certain things with my attorney.	12 13 14 15 16 17	original.  Q. (By Mr. Thomas) Sheriff, if you would, this is marked as Plaintiffs' Exhibit 2, and it purports to be and it's styled Rules and Regulations for the Licensing and Operation of Bingo Games in Macon County?
12 13 14 15 16	and regulations.  Q. And, if you would, define for me or describe to me what you did as a part of your thinking about the rules.  A. Discussed certain things with my	12 13 14 15 16 17 18	original.  Q. (By Mr. Thomas) Sheriff, if you would, this is marked as Plaintiffs' Exhibit 2, and it purports to be and it's styled Rules and Regulations for the Licensing and Operation of Bingo Games in Macon County?  A. Yes.
12 13 14 15 16 17	and regulations.  Q. And, if you would, define for me or describe to me what you did as a part of your thinking about the rules.  A. Discussed certain things with my attorney.	12 13 14 15 16 17 18 19	original.  Q. (By Mr. Thomas) Sheriff, if you would, this is marked as Plaintiffs' Exhibit 2, and it purports to be and it's styled Rules and Regulations for the Licensing and Operation of Bingo Games in Macon County?  A. Yes.  Q. And it bears the date of issued
12 13 14 15 16 17 18	and regulations.  Q. And, if you would, define for me or describe to me what you did as a part of your thinking about the rules.  A. Discussed certain things with my attorney.  Q. Relating to the rules and	12 13 14 15 16 17 18 19 20	original.  Q. (By Mr. Thomas) Sheriff, if you would, this is marked as Plaintiffs' Exhibit 2, and it purports to be and it's styled Rules and Regulations for the Licensing and Operation of Bingo Games in Macon County?  A. Yes.  Q. And it bears the date of issued this the 5th day of December 2003?
12 13 14 15 16 17 18 19	and regulations.  Q. And, if you would, define for me or describe to me what you did as a part of your thinking about the rules.  A. Discussed certain things with my attorney.  Q. Relating to the rules and regulations?  A. Yes.  MR. THOMAS: If I may, Fred, let me	12 13 14 15 16 17 18 19 20 21	original.  Q. (By Mr. Thomas) Sheriff, if you would, this is marked as Plaintiffs' Exhibit 2, and it purports to be and it's styled Rules and Regulations for the Licensing and Operation of Bingo Games in Macon County?  A. Yes.  Q. And it bears the date of issued this the 5th day of December 2003?  A. Yes.
12 13 14 15 16 17 18 19 20	and regulations.  Q. And, if you would, define for me or describe to me what you did as a part of your thinking about the rules.  A. Discussed certain things with my attorney.  Q. Relating to the rules and regulations?  A. Yes.	12 13 14 15 16 17 18 19 20	original.  Q. (By Mr. Thomas) Sheriff, if you would, this is marked as Plaintiffs' Exhibit 2, and it purports to be and it's styled Rules and Regulations for the Licensing and Operation of Bingo Games in Macon County?  A. Yes.  Q. And it bears the date of issued this the 5th day of December 2003?

	Page 25		Page 27
1	A. Yes.	1	Q. Now, when you say the person over
2	Q. Are you familiar with it?	2	bingo, is that in Montgomery County?
3	A. Yes, I am.	3	A. Montgomery County.
4	Q. Now, sheriff, these rules were	4	Q. Who is that person you talked to?
5	prepared by whom?	5	A. I don't recollect.
6	A. My attorney.	6	Q. The amendment was enacted in
7	Q. And that's Fred Gray, Jr.?	7	November of '03, 2003. When was this discussion
8	A. Uh-huh (affirmative).	8	with Sheriff Marshall in that time frame?
9	Q. And if I may, could you identify	9	A. Maybe – maybe a week or two after.
10	for the Court your purpose in promulgating the	10	Q. And is it your statement that in
11	rules and regulations?	11	these rules and regulations there's some parts
12	A. These were to regulate the	12	that are attributable to Sheriff D.T. Marshall?
13	operation of bingo games in Macon County.	13	A. I'm sure we used some of what was
14	Q. As the official charged with	14	there.
15	promulgating these rules and regulations, what	15	Q. Okay. Well, since they are your
16	were you seeking to achieve?	16	rules and regulations, what part did you use?
17	I mean, what would be the purpose	17	A. Parts that related to bingo. I
18	behind it? I mean, what were you trying to	18	mean, you know, just
19	establish with these rules?	19	Q. But what part? Sheriff, in your
20	A. A means by which bingo games could	20	first set of rules you have 16 Sections. And if
21	be operated.	21	I could, just what part of the 16 or what
22	Q. In the rules do you have or do you	22	Sections of the 16 do you attribute to D.T.
23	- and let me just make sure I clearly	23	Marshall?
		<b></b>	
1	Page 26	l	Page 28
1	Page 26	1	
1	understand your testimony.	1 2	`A. Mainly just – just the framework.
2	understand your testimony. Is it your testimony that these	2	`A. Mainly just – just the framework.  Once I read it, mainly the framework.
2	understand your testimony.  Is it your testimony that these rules and regulations were drafted solely by	2 3	`A. Mainly just – just the framework.  Once I read it, mainly the framework.  Q. Does Montgomery County have a
2 3 4	understand your testimony. Is it your testimony that these rules and regulations were drafted solely by Fred Gray, Jr.?	2 3 4	`A. Mainly just – just the framework.  Once I read it, mainly the framework.  Q. Does Montgomery County have a constitutional amendment permitting bingo gaming
2 3 4 5	understand your testimony. Is it your testimony that these rules and regulations were drafted solely by Fred Gray, Jr.?  A. Not wait a minute now.	2 3 4 5	`A. Mainly just – just the framework.  Once I read it, mainly the framework.  Q. Does Montgomery County have a constitutional amendment permitting bingo gaming in Montgomery County?
2 3 4 5 6	understand your testimony.  Is it your testimony that these rules and regulations were drafted solely by Fred Gray, Jr.?  A. Not wait a minute now.  Q. These rules and regulations, were	2 3 4	`A. Mainly just – just the framework.  Once I read it, mainly the framework.  Q. Does Montgomery County have a constitutional amendment permitting bingo gaming in Montgomery County?  A. I'm not sure.
2 3 4 5 6 7	understand your testimony.  Is it your testimony that these rules and regulations were drafted solely by Fred Gray, Jr.?  A. Not — wait a minute now.  Q. These rules and regulations, were they drafted by Fred Gray, Jr., your lawyer?	2 3 4 5 6	`A. Mainly just — just the framework.  Once I read it, mainly the framework.  Q. Does Montgomery County have a constitutional amendment permitting bingo gaming in Montgomery County?  A. I'm not sure.  Q. I would represent to you it does
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	Page 29		Page 31
1	He's not sure.	1	MR. GRAY: Sheriff, will you review
2	Q. (By Mr. Thomas) You're not sure.	2	not only that, but review the whole rules and
3	Okay.	3	see if that definition is in it.
4	Would it be a fair assessment that	4	THE WITNESS: Okay. Nonprofit
5	all you did was just consult with Sheriff	5	organization shall mean a bona fide operation
6	Marshall?	6	for charitable, educational or other lawful
7	A. Yeah.	7	purposes which operates without profit to its
8	Q. You're not suggesting to anybody	8	members and/or which has been classified by the
9	that Sheriff Marshall's framework is in these	9	Internal Revenue Service as a tax exempt
10	rules and regulations, are you?	10	organization.
11	A. No.	11	Q. (By Mr. Thomas) In Section (f)
12	Q. I think you have previously	12	and that would be one, subparagraph (f),
13	testified that you had no background in	13	location.
14	regulation or licensing of gaming; is that	14	A. Uh-huh (affirmative).
15	correct?	15	Q. What was the rationale for you
16	A. Yes.	16	defining location? What were you attempting to
17	Q. Do you know whether or not Fred	17	do in this definition of location?
18	Gray, Jr. has any background in regulatory	18	<ul> <li>A. That word would be used throughout</li> </ul>
19	gaming or licensing of bingo or other gaming?	19	the document. It would be it was just a
20	A. I don't know.	20	legal definition of a definition that would
21	<ul> <li>Q. The amendment was passed on</li> </ul>	21	relate to the rules and regulations.
22	November 4th, 2003, and less than a month later	22	MR. GRAY: Did you review Section
23	on December 5, 2003, you issued the rules?	23	(f)? When he asks you these questions, look at
<u></u>			
	Page 30		Page 32
1		1	Page 32 what he
1 2		1 2	Ť
	A. Uh-huh (affirmative).	ŧ	what he
2	<ul><li>A. Uh-huh (affirmative).</li><li>Q. I call your attention specifically</li></ul>	2	what he THE WITNESS: Section (f)?
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2 3 4 5 6	A. Uh-huh (affirmative). Q. I call your attention specifically to Section 1 that's at Page 1. And under the definitions section — if you would go to Page 2. And I refer you to (e), and it says "license holder." Per the legislation — well, I'm	2 3 4 5 6	what he —  THE WITNESS: Section (f)?  MR. GRAY: Yeah. And then answer his question.  THE WITNESS: Location shall — mine is darkened.  MR. GRAY, SR: Let the record show that the exhibit, which has been introduced or
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Uh-huh (affirmative). Q. I call your attention specifically to Section 1 that's at Page 1. And under the definitions section — if you would go to Page 2. And I refer you to (e), and it says "license holder." Per the legislation — well, I'm sorry.  License holder is defined as any nonprofit organization that has been issued a bingo license by the sheriff pursuant to these regulations; is that correct?  A. Uh-huh (affirmative). Q. In your opinion, what is a nonprofit organization? A. Any — that's an organization that operates without profit.  MR. GRAY, JR.: Now, are you asking for his definition other than that which is already set forth in his rules?  MR. THOMAS: I am. I'm asking his	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	what he — THE WITNESS: Section (f)? MR. GRAY: Yeah. And then answer his question. THE WITNESS: Location shall — mine is darkened. MR. GRAY, SR: Let the record show that the exhibit, which has been introduced or which has been identified as Plaintiffs' Exhibit 2, throughout it they are highlighting certain areas. And what the witness is saying is when location is defined in (f) on that exhibit he can't read it, and he was handed a copy that doesn't have that highlighting. Q. (By Mr. Thomas) Can you make it out better now, sheriff? A. Yes. A location shall mean a building, hall, enclosure, room or outdoor area that complies with all federal, state and local

	Page 33		Page 35
1	under Section (h) you have a Class B bingo	1	Q. And I guess my point and I'm
2	license.	2	trying to focus on it why were you wanting a
3	Why did you make a distinction	3	Class A and a Class B?
4	between the two?	4	A. Because there would be because
5	MR. GRAY: Sheriff, read both of	5	there would be two forms of bingo.
6	those sections before you answer his question so	6	Q. What would the purpose of the
7	you'll be sure you understand what he's asking	7	Class A bingo license, what were you attempting
8	you.	8	to achieve with that license?
9	THE WITNESS: Ask your question	9	A. That would license the paper card
10	again.	10	bingo.
11	Q. (By Mr. Thomas) In definition	11	Q. And what were you attempting to
12	I'm sorry. Under the definition section of	12	achieve with the Class B bingo license?
13	section one in (g) and in (h) you have listed	13	A. That would license other forms,
14	two types of licenses. (g), a Class A bingo	14	electronic and other forms of bingo.
15	license and (h), a Class B bingo license.	15	Q. Now, using 2003-2006, you have had
16	And my question was why did you	16	at least three years of experiences with these
17	distinguish the two?	17	two licenses, right?
18	A. Because there – because the class	18	A. Uh-huh (affirmative).
19	because there would be a Class A, which would	19	MR. GRAY, JR.: Just a moment. You
20	be card bingo and Class B, which would operate	20	say at least three years. It really hasn't been
21	other forms of bingo.	21	quite that long if we look at the calendar year
22	Q. Well, why did you decide that?	22	and 12 months.
23	That's my question. Why?	23	MR. THOMAS: Yeah. That's
	5 04		
1	Page 34		Page 36
1	A. Because there would because in	1	Page 36 MR. GRAY, JR.: Two and half.
1 2	_	1 2	•
	A. Because there would because in		MR. GRAY, JR.: Two and half.
2	A. Because there would because in the legislation it mentioned other forms of	2	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would
2	A. Because there would because in the legislation it mentioned other forms of bingo other than card bingo.	2 3 4	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would be three.
2 3 4	A. Because there would because in the legislation it mentioned other forms of bingo other than card bingo.  Q. And, again, that's my question.	2 3 4	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would be three. MR. GRAY, JR.: Right, something
2 3 4 5	A. Because there would because in the legislation it mentioned other forms of bingo other than card bingo.  Q. And, again, that's my question.  Why did you come up with another form other than	2 3 4 5	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would be three.  MR. GRAY, JR.: Right, something like that.
2 3 4 5 6	A. Because there would because in the legislation it mentioned other forms of bingo other than card bingo.  Q. And, again, that's my question.  Why did you come up with another form other than card?	2 3 4 5 6	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would be three.  MR. GRAY, JR.: Right, something like that. Q. (By Mr. Thomas) Sheriff, based on
2 3 4 5 6 7	A. Because there would — because in the legislation it mentioned other forms of bingo other than card bingo.  Q. And, again, that's my question.  Why did you come up with another form other than card?  A. Because there would be other forms	2 3 4 5 6 7	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would be three. MR. GRAY, JR.: Right, something like that. Q. (By Mr. Thomas) Sheriff, based on to two plus years of experience you've had, have
2 3 4 5 6 7 8	A. Because there would because in the legislation it mentioned other forms of bingo other than card bingo.  Q. And, again, that's my question.  Why did you come up with another form other than card?  A. Because there would be other forms other than card.  Q. That's what you wanted, two types of forms?	2 3 4 5 6 7 8	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would be three. MR. GRAY, JR.: Right, something like that. Q. (By Mr. Thomas) Sheriff, based on to two plus years of experience you've had, have you any opinion as to which form of bingo
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Because there would because in the legislation it mentioned other forms of bingo other than card bingo.  Q. And, again, that's my question.  Why did you come up with another form other than card?  A. Because there would be other forms other than card.  Q. That's what you wanted, two types of forms?  A. No. The reality of it was there would be two forms.  Q. These are your rules.  A. Yes.  Q. Okay. And they were passed pursuant to Amendment 744  A. Uh-huh (affirmative).	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would be three. MR. GRAY, JR.: Right, something like that. Q. (By Mr. Thomas) Sheriff, based on to two plus years of experience you've had, have you any opinion as to which form of bingo generates the most money? Is it Class A bingo license or Class B bingo license? A. Class B. Q. Is it a substantial difference of generation of revenues? A. Yes. Q. How substantial? A. Substantial. Q. How substantial? Million dollar
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Because there would because in the legislation it mentioned other forms of bingo other than card bingo.  Q. And, again, that's my question.  Why did you come up with another form other than card?  A. Because there would be other forms other than card.  Q. That's what you wanted, two types of forms?  A. No. The reality of it was there would be two forms.  Q. These are your rules.  A. Yes.  Q. Okay. And they were passed pursuant to Amendment 744  A. Uh-huh (affirmative).  Q which does not make any	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would be three. MR. GRAY, JR.: Right, something like that. Q. (By Mr. Thomas) Sheriff, based on to two plus years of experience you've had, have you any opinion as to which form of bingo generates the most money? Is it Class A bingo license or Class B bingo license? A. Class B. Q. Is it a substantial difference of generation of revenues? A. Yes. Q. How substantial? A. Substantial. Q. How substantial? Million dollar differences, multi-million dollar differences?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Because there would — because in the legislation it mentioned other forms of bingo other than card bingo.  Q. And, again, that's my question.  Why did you come up with another form other than card?  A. Because there would be other forms other than card.  Q. That's what you wanted, two types of forms?  A. No. The reality of it was there would be two forms.  Q. These are your rules.  A. Yes.  Q. Okay. And they were passed pursuant to Amendment 744 —  A. Uh-huh (affirmative).  Q. — which does not make any distinction between classes of bingo.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would be three. MR. GRAY, JR.: Right, something like that. Q. (By Mr. Thomas) Sheriff, based on to two plus years of experience you've had, have you any opinion as to which form of bingo generates the most money? Is it Class A bingo license or Class B bingo license? A. Class B. Q. Is it a substantial difference of generation of revenues? A. Yes. Q. How substantial? A. Substantial. Q. How substantial? Million dollar differences, multi-million dollar differences? A. Probably.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Because there would because in the legislation it mentioned other forms of bingo other than card bingo.  Q. And, again, that's my question.  Why did you come up with another form other than card?  A. Because there would be other forms other than card.  Q. That's what you wanted, two types of forms?  A. No. The reality of it was there would be two forms.  Q. These are your rules.  A. Yes.  Q. Okay. And they were passed pursuant to Amendment 744  A. Uh-huh (affirmative).  Q which does not make any distinction between classes of bingo.  A. Uh-huh (affirmative).  Q. This amendment enabled you to pass	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would be three. MR. GRAY, JR.: Right, something like that. Q. (By Mr. Thomas) Sheriff, based on to two plus years of experience you've had, have you any opinion as to which form of bingo generates the most money? Is it Class A bingo license or Class B bingo license? A. Class B. Q. Is it a substantial difference of generation of revenues? A. Yes. Q. How substantial? A. Substantial. Q. How substantial? Million dollar differences, multi-million dollar differences? A. Probably. Q. Well, I'm not trying to put words in your — I mean, what do you consider to be
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Because there would because in the legislation it mentioned other forms of bingo other than card bingo.  Q. And, again, that's my question.  Why did you come up with another form other than card?  A. Because there would be other forms other than card.  Q. That's what you wanted, two types of forms?  A. No. The reality of it was there would be two forms.  Q. These are your rules.  A. Yes.  Q. Okay. And they were passed pursuant to Amendment 744  A. Uh-huh (affirmative).  Q which does not make any distinction between classes of bingo.  A. Uh-huh (affirmative).	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. GRAY, JR.: Two and half. MR. THOMAS: November of '06 would be three. MR. GRAY, JR.: Right, something like that. Q. (By Mr. Thomas) Sheriff, based on to two plus years of experience you've had, have you any opinion as to which form of bingo generates the most money? Is it Class A bingo license or Class B bingo license? A. Class B. Q. Is it a substantial difference of generation of revenues? A. Yes. Q. How substantial? A. Substantial. Q. How substantial? Million dollar differences, multi-million dollar differences? A. Probably. Q. Well, I'm not trying to put words

	Page 37		Page 39
			_
1	difference.	1	you know when to read the documents, right?
2	Q. In the millions of dollars?	2	A. Uh-huh (affirmative).
3	A. Yes.	3	Q. Okay. I just wanted you to be at
4	Q. Now, in Section (j) and also	4	that comfort level. Okay?
5	Section (i) you go now into defining sheriff,	5	A. All right.
6	let me just ask you this question before I go	6	MR. GRAY: And I also want you to
7	any further.	7	realize, sheriff, and be very comfortable with
8	What did you do in order to prepare	8	every one of those definitions. Before you
9	for your deposition today?	9	answer it, you have a right to read the
10	A. Went back, looked at the rules,	10	question, understand it and then answer it as
11	regulations, sort of brushed up on those things	11	best you can.
12	and consulted with my attorney.	12	THE WITNESS: Uh-huh (affirmative).
13	Q. What type of documents did you	13	MR. GRAY: I don't think he has
14	review in looking back on things?	14	asked you a question yet.
15	A. The rules and regulations.	15	MR. THOMAS: No.
16	Q. All that you've passed?	16	MR. GRAY: I interrupted him. I'm
17	A. Yes.	17	sorry. I apologize.
18	Q. Did you review any notes or any	18	MR. THOMAS: That's okay.
19	drafts of any things you may have had when you	19	Q. Have you had a chance to review it,
20	formulated these rules?	20	sheriff?
21	A. No.	21	A. Yes.
22	Q. Sheriff, returning back to the	22	Q. Sheriff, now, if I may, returning
23	definition section, in Sections (i) and (j) you	23	back to the definition of (f) you see we've
-			
	Page 38		Page 40
1		1	• • • • • • • • • • • • • • • • • • •
1 2	Page 38 go further to expand location to a phrase called "qualified location." Do you see that?	1 2	Page 40 gone over location, right? A. Uh-huh (affirmative).
1	go further to expand location to a phrase called	Ê	gone over location, right?  A. Uh-huh (affirmative).
2	go further to expand location to a phrase called "qualified location." Do you see that?	2	gone over location, right?  A. Uh-huh (affirmative).
2 3	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).	2	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections
2 3 4	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two	2 3 4	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did
2 3 4 5	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to	2 3 4 5	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with
2 3 4 5 6	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you	2 3 4 5 6	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?
2 3 4 5 6 7	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.	2 3 4 5 6 7	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would
2 3 4 5 6 7 8	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question	2 3 4 5 6 7 8	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B
2 3 4 5 6 7 8 9	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.	2 3 4 5 6 7 8 9	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.
2 3 4 5 6 7 8 9	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs	2 3 4 5 6 7 8 9	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections — and I
2 3 4 5 6 7 8 9 10	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs to read them	2 3 4 5 6 7 8 9 10 11	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections — and I want you to think about it as Mr. Gray has
2 3 4 5 6 7 8 9 10 11 12	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs to read them  MR. GRASSO: Well	2 3 4 5 6 7 8 9 10 11 12	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections and I want you to think about it as Mr. Gray has suggested to you and review it thoroughly.
2 3 4 5 6 7 8 9 10 11 12 13	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs to read them  MR. GRASSO: Well  MR. GRAY: so that he'll	2 3 4 5 6 7 8 9 10 11 12 13	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections — and I want you to think about it as Mr. Gray has suggested to you and review it thoroughly.  Did you prepare this definition, or
2 3 4 5 6 7 8 9 10 11 12 13 14	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs to read them  MR. GRASSO: Well  MR. GRAY: so that he'll understand the question once it's asked. You	2 3 4 5 6 7 8 9 10 11 12 13 14	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections — and I want you to think about it as Mr. Gray has suggested to you and review it thoroughly.  Did you prepare this definition, or did Fred Gray, Jr. prepare it?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs to read them  MR. GRASSO: Well  MR. GRAY: so that he'll understand the question once it's asked. You can read it now or you can read it after he's	2 3 4 5 6 7 8 9 10 11 12 13 14 15	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections — and I want you to think about it as Mr. Gray has suggested to you and review it thoroughly.  Did you prepare this definition, or did Fred Gray, Jr. prepare it?  And take your time and review both
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs to read them  MR. GRASSO: Well  MR. GRAY: so that he'll understand the question once it's asked. You can read it now or you can read it after he's asked the question.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections and I want you to think about it as Mr. Gray has suggested to you and review it thoroughly.  Did you prepare this definition, or did Fred Gray, Jr. prepare it?  And take your time and review both sections thoroughly before you answer because I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs to read them  MR. GRASSO: Well  MR. GRAY: so that he'll understand the question once it's asked. You can read it now or you can read it after he's asked the question.  Q. (By Mr. Thomas) Take as much time	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections — and I want you to think about it as Mr. Gray has suggested to you and review it thoroughly.  Did you prepare this definition, or did Fred Gray, Jr. prepare it?  And take your time and review both sections thoroughly before you answer because I want to know did you prepare them or did Fred
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs to read them  MR. GRASSO: Well  MR. GRAY: so that he'll understand the question once it's asked. You can read it now or you can read it after he's asked the question.  Q. (By Mr. Thomas) Take as much time as you need.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections — and I want you to think about it as Mr. Gray has suggested to you and review it thoroughly.  Did you prepare this definition, or did Fred Gray, Jr. prepare it?  And take your time and review both sections thoroughly before you answer because I want to know did you prepare them or did Fred Gray, Jr. prepare these two sections.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs to read them  MR. GRASSO: Well  MR. GRAY: so that he'll understand the question once it's asked. You can read it now or you can read it after he's asked the question.  Q. (By Mr. Thomas) Take as much time as you need.  Shefiff, if I may ask you this.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections — and I want you to think about it as Mr. Gray has suggested to you and review it thoroughly.  Did you prepare this definition, or did Fred Gray, Jr. prepare it?  And take your time and review both sections thoroughly before you answer because I want to know did you prepare them or did Fred Gray, Jr. prepare these two sections.  A. We sort of prepared them together.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs to read them  MR. GRASSO: Well  MR. GRAY: so that he'll understand the question once it's asked. You can read it now or you can read it after he's asked the question.  Q. (By Mr. Thomas) Take as much time as you need.  Shefiff, if I may ask you this.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections and I want you to think about it as Mr. Gray has suggested to you and review it thoroughly.  Did you prepare this definition, or did Fred Gray, Jr. prepare it?  And take your time and review both sections thoroughly before you answer because I want to know did you prepare them or did Fred Gray, Jr. prepare these two sections.  A. We sort of prepared them together. Q. The two of you-all?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	go further to expand location to a phrase called "qualified location." Do you see that?  A. Uh-huh (affirmative).  MR. GRAY: But read those two sections, sheriff, so that you'll be able to answer his question that he's going to ask you about.  MR. GRASSO: There's no question pending, though, right now.  MR. GRAY: I know it, but he needs to read them  MR. GRASSO: Well  MR. GRAY: so that he'll understand the question once it's asked. You can read it now or you can read it after he's asked the question.  Q. (By Mr. Thomas) Take as much time as you need.  Shefiff, if I may ask you this.  You do understand that you can take as much time as you need to review the documents, right?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	gone over location, right?  A. Uh-huh (affirmative).  Q. Now, I'm asking you about Sections (i) and (j). And my question to you: Why did you go further to expand on location with qualified location?  A. That would be a location that would meet the requirements for conducting Class B bingo.  Q. Now, on these sections — and I want you to think about it as Mr. Gray has suggested to you and review it thoroughly.  Did you prepare this definition, or did Fred Gray, Jr. prepare it?  And take your time and review both sections thoroughly before you answer because I want to know did you prepare them or did Fred Gray, Jr. prepare these two sections.  A. We sort of prepared them together. Q. The two of you-all? A. Yes.

Page 41  1 is just three lines. And I guess my question to 2 you: Why such a limited definition for 3 qualified location for a Class A bingo licenses 4 as opposed to a more expansive definition of a 5 qualified location for a Class A bingo license was a 8 more traditional form of bingo. The Class B 9 license would cover the more elaborate form of 10 bingo.  11 Q. Sheriff, have you issued any Class 12 A bingo licenses? 13 A B. Class AP bingo licenses? 14 Q. Excuse me. Class A bingo licenses. 15 A Yes. 16 Q. Could you identify for the Court 16 Q. Could you identify for the Court 16 Q. Could you identify for the Court 16 Q. And where are they located? 17 A. If's really the Nile NOC Club. 17 A. Do you know the name of any of the principals of the nonprofit organization. What of you mean? A lit's a club, but it's — it's a club. 17 A. If's a club, but it's — it's a for-profit or a nonprofit organization. What do you mean? A lit's a felination. 18 Q. I mean, I don't care what class 19 you're in. You must be nonprofit, right? 17 A. Uh-un unst be nonprofit, right? 18 Q. Mean, I would you fee have you and the principals in that, or just the licenses of the Class A bingo licenses? 19 A. A lit's the same for Class B, isn't it? I mean, you can't get a license unless you are nonprofit, right? 19 A. Yes. 19 A. Well, hath's the same for Class B, isn't it? I mean, you can't get a license unless you are nonprofit, right? 19 A. Yes. 19 A. A sk your question egain. 19 A. Yes. 19 A
you: Why such a limited definition for qualified location for a Class A bingo licenses a sopposed to a more expansive definition of a to qualified location for the holder of a Class B bingo license? A. The Class A bingo license was a more traditional form of bingo. The Class B license would cover the more elaborate form of bingo. A. The Scass A? A. Cone. And that was issued to? A. The Nile Club. A. Un-huh (affirmative). C. Sheriff, have you issued any Class A bingo licenses? A. Un-huh (affirmative). C. Sheriff, have you issued any Class A bingo licenses? A. Un-huh (affirmative). C. Sheriff, have you issued any Class A bingo licenses? A. Un-huh (affirmative). C. Sheriff, have you issued any Class A bingo licenses? A. Un-huh (affirmative). C. Sheriff, have you issued any Class A bingo licenses? A. Un-huh (affirmative). C. Sheriff, have you issued any Class A bingo licenses? A. Un-huh (affirmative). C. Sheriff, have you issued any Class A bingo licenses or have been issued Class A bingo licenses. A. Yes. C. Could you identify for the Court the types of organizations that get Class A bingo licenses? A. The Nile Club, which is a – sort Of a club. C. The Nile? A. Un-huh (affirmative). C. Mol. What does NCO stand for? A. In Tuskegee. C. Where about? A. In Tuskegee.
2 you: Why such a limited definition or 3 qualified location for a Class A bingo license 4 as opposed to a more expansive definition of a 5 qualified location for the holder of a Class B 6 bingo licenses?
a qualified location for a Class A bingo licenses a supposed to a more expansive definition of a qualified location for the holder of a Class B bingo licenses?  7
4 as opposed to a more expansive definition of a 5 qualified location for the holder of a Class B 6 bingo licensee?  7 A. The Class A bingo license was a 8 more traditional form of bingo. The Class B 9 license would cover the more elaborate form of 5 bingo. The Class B 9 license would cover the more elaborate form of 5 bingo.  10 bingo.  11 Q. Sheriff, have you issued any Class 11 Q. The Nile?  12 A bingo licenses?  13 A. B. Class A?  14 Q. Excuse me. Class A bingo licenses.  15 A. Yes.  16 Q. Could you identify for the Court 16 Q. And you said club?  17 the types of organizations that get Class A bingo licenses?  18 bingo licenses or have been issued Class A bingo licenses?  19 licenses?  20 A. The Nile Club, which is a – sort 21 of a club. I mean, I didn't 22 you issued the license to?  21 A. It's a club, but it's – it's a 1 club. I mean, I didn't 22 you issued the license to?  22 C. Sort of a club. I mean, I didn't 22 you issued the license to?  3 MR. GRAY, JR.: When you say type, 4 do you mean whether it's a for-profit or a 15 nonprofit organization? When you say type, 4 do you man whether it's a for-profit or a 5 nonprofit organization? When you say type, 4 do you mean whether it's a for-profit or a 5 nonprofit organization? When you say type, 4 do you man whether it's a for-profit or a 5 nonprofit organization? When you say type, 4 do you man whether it's a for-profit or a 5 nonprofit organization. What do you mean?  23 MR. GRAY, JR.: When you say type, 6 organization, what do you mean?  24 J. A. It's a club, but it's – it's a 1 club. I mean, but it's – it's a 1 club. I mean, l didn't 22 you issued the license to?  25 Q. Do you have any records or anything 20 you could refer to?  26 A. Not with me.  27 A. Not with me.  28 J. Rot NH-L-LE?  29 A. I't seally the Nile NCO Club.  20 Do you have any records or anything 20 you could refer to?  31 A. It's the NCO Nile Club.  32 A. It's the NCO Nile Club.  33 A. It's the NCO Nile Club.  44 A. It's the NCO Nile club.  45 J. Rot NH-L-LE?  46 A. Not with me.  47 A. N
5 qualified location for the holder of a Class B 6 bingo license? 7 A. The Class A bingo license was a 8 more traditional form of bingo. The Class B 9 license would cover the more elaborate form of 10 bingo. 10 bingo. 11 Q. Sherliff, have you issued any Class 11 Q. Is that N-IL-E? 11 Q. Sherliff, have you issued any Class 12 A bingo licenses? 12 A bingo licenses? 13 A. B. Class A? 14 Q. Excuse me. Class A bingo licenses. 15 A. Yes. 16 Q. Could you identify for the Court 17 the types of organizations that get Class A bingo licenses or have been issued Class A bingo licenses? 19 licenses? 10 A. The Nile Club, which is a – sort 19 licenses? 11 A. Uh-huh (affirmative). 12 Q. And you said club? 13 A. It's rally the Nile NCO Club. 14 Q. NCO. What does NCO stand for? 15 A. Noncommissioned officer. 16 Q. Could you identify for the Court 19 the types of organizations that get Class A bingo licenses or have been issued Class A bingo licenses? 19 In Tuskegee. 19 A. It's a club, which is a – sort 20 Q. Sort of a club. I mean, I didn't 22 get that part.  Page 42 A. It's a club, but it's – it's a 2 club. 3 MR. GRAY. JR.: When you say type, 4 do you mean whether it's a for-profit or a nonprofit organization? When you say type, 4 do you mean whether it's a for-profit or a nonprofit organization? When you say type, 6 organization, what do you mean? 7 MR. THOMAS: I'll just have to 2 yickld to the sheriff's definition. 9 Q. I mean, what type of organizations organizations, 4 Q. Well, that's the same for Class B, isin't it? I mean, you can't get a license 12 unless you are nonprofit, right?  17 A. Uh-huh (affirmative). 18 Q. Well, that's the same for Class B, isin't it? I mean, you can't get a license 12 unless you are nonprofit, right?  18 Q. I't is the NCO Nile Club. 18 producing for me the Class A bingo license that that you issued, the one Class A bingo license that that you issued, the one Class A bingo license that that you issued, the one Class A bingo license that that you issued, the one Class A bingo license that that yo
6 bingo license? 7 A. The Class A bingo license was a 8 more traditional form of bingo. The Class B 9 license would cover the more elaborate form of 10 bingo. 11 Q. Sheriff, have you issued any Class 11 A. Uh-hu (affirmative). 12 A bingo licenses? 13 A. B. Class A? 14 Q. Excuse me. Class A bingo licenses. 15 A. Yes. 16 Q. Could you identify for the Court 17 the types of organizations that get Class A 18 bingo licenses or have been issued Class A bingo 19 licenses? 20 A. The Nile Club, which is a – sort 21 of a club. 22 Q. Sort of a club. I mean, I didn't 23 get that part.  Page 42 1 A. It's a club, but it's – it's a 1 club. 3 MR. GRAY, JR.: When you say type, 4 do you mean whether it's a for-profit or a 10 nonprofit organization? When you say type, 4 do you mean whether it's a for-profit or a 10 nonprofit organization? When you say type, 4 do you mean, what do you mean? 7 MR. THOMAS: I'll just have to 10 yield to the sheriff's definition. 10 Q. I mean, what type of organizations. 11 A. Oh. The Catholic school, a church 12 maybe, clubs that are attached to nonprofit 13 organizations. 14 Q. Well, that's the same for Class B, 15 isn't it? I mean, you can't get a license 16 unless you are nonprofit, right? 17 A. Uh-hul (affirmative). 18 Q. I mean, i don't care what class 19 you're in. You must be nonprofit, right? 18 Q. I mean, i don't care what class 19 you're in. You must be nonprofit, right? 19 A. Uh-hul (affirmative). 20 A. It's the NLO Club. 21 The Nile? 22 Q. And you said club? 23 A. It's really the Nile NLO Club. 24 Q. Where about? 25 A. In Tuskogee. 26 Q. And where are they located? 27 A. In Tuskogee. 28 Q. Op you know the name of any of the principals of the nonprofit organization that you issued the license to? 29 A. I know there are names, but they 21 principals of the nonprofit organization that you issued the license to? 29 A. I know there are names, but they 29 In your odl refer to? 30 A. It's the NCO Nile Club. 31 A. It's the NCO Nile Class A bingo license that that you issued, the one Class A bingo
7 A. The Class A bingo license was a 8 more traditional form of bingo. The Class B 9 license would cover the more elaborate form of 10 bingo. 11 Q. Sheriff, have you issued any Class 11 A. Uh-huh (affirmative). 12 A bingo licenses? 13 A. B. Class A? 14 Q. Excuse me. Class A bingo licenses. 15 A. Yes. 16 Q. Could you identify for the Court 16 Q. And where are they located? 17 the types of organizations that get Class A bingo licenses or have been issued Class A bingo licenses? 18 bingo licenses or have been issued Class A bingo licenses? 19 A. The Nile Club, which is a – sort 21 of a club. 21 Q. Sort of a club. I mean, I didn't 22 get that part.  Page 42  1 A. It's a club, but it's – it's a 2 club. 3 MR. GRAY, JR.: When you say type, 4 do you mean whether it's a for-profit or a nonprofit organization? When you say type, 4 do you mean whether it's a for-profit or a 5 yield to the sheriff's definition. 9 Q. I mean, what type of organizations get Class A bingo licenses? 10 Q. I mean, what type of organizations get Class A bingo licenses? 11 A. Oh. The Catholic school, a church maybe, clubs that are attached to nonprofit organizations. 14 Q. Well, that's the same for Class B, isn't it? I mean, you can't get a license unless you are nonprofit, right? 17 A. Uh-huh (affirmative). 18 Q. I mean, I don't care what class unless you are nonprofit, right? 19 A. His the N-L-E? 10 A. Uh-huh (affirmative). 10 Q. I mean, I didn't 20 Q. And where are they located? 11 A. Uh-huh (affirmative). 12 Q. And you said club? 13 A. Uh-huh (affirmative). 14 Q. Well, that's the same for Class B, isn't it? I mean, I didn't 20 Q. And where are they located? 15 A. Not with me. 16 Q. Do you know the name of any of the principals of the nonprofit organization that you issued the license to? 18 Q. Do you have any records or anything you could refer to? 29 A. Yes. 19 Q. Would you have any objection to producing the names of the principals in that, or just the license for the Class A bingo licenses that that you issued the non Class A bingo licenses
8 more traditional form of bingo. The Class B 9 license would cover the more elaborate form of 10 bingo. 11 Q. Sheriff, have you issued any Class 12 A bingo licenses? 13 A. B. Class A? 14 Q. Excuse me. Class A bingo licenses. 15 A. Yes. 16 Q. Could you identify for the Court 17 the types of organizations that get Class A 18 bingo licenses or have been issued Class A bingo 19 licenses? 20 A. The Nile Club, which is a – sort 21 of a club. 22 Q. Sort of a club. I mean, I didn't 23 get that part.  Page 42  1 A. It's a club, but it's – it's a 2 club. 3 MR. GRAY, JR.: When you say type, 4 do you mean whether it's a for-profit or a 15 nonprofit organization? When you say type of 16 organization, what do you mean? 17 MR. THOMAS: I'll just have to 18 yield to the sheriff's definition. 19 Q. I mean, what type of organizations 10 get Class A bingo licenses? 11 A. Oh. The Catholic school, a church 12 maybe, clubs that are attached to nonprofit 13 organizations. 14 Q. Well, that's the same for Class B, 15 isn't it? I mean, you can't get a license 16 unless you are nonprofit, right? 17 A. Uh-huh (affirmative). 18 Q. I mean, I don't care what class 19 you're in. You must be nonprofit; right?  8 A. Uh-huh (affirmative). 10 Q. Is that N-I-L-E? 11 A. Uh-huh (affirmative). 12 Q. And you said club? 13 A. It's really the Nile NCO Club. 14 Q. NCO, What does NCO stand for? 15 A. Noncommissioned officer. 16 Q. And where are they located? 17 A. In Tuskegee. 18 Q. And where are they located? 19 A. Out on Highway 81, just north of – 20 Do you know the name of any of the principals of the nonprofit organization that 22 you issued the license to? 23 A. I know there are names, but they 24 you issued the license to? 25 A. I know there are names, but they 26 A. Not with me. 27 A. Not with me. 28 Under the form of the principals in that, or just the license for the Class A bingo license? 29 A. Not with me. 20 No, no. Do you have any objection to producing the names of the principals in that, or just the license for the Class A bingo license th
9 license would cover the more elaborate form of 10 bingo. 10
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20 A. Yes. 20 that you issued? 21 Q. So, has the Class A bingo licenses 21 A. No.
22 that you've issued been maybe to religious 22 Q. Okay. Thank you.
23 organizations? 23 MR. THOMAS: Fred, we'll just go
1 AO OIGGINAGOOD:

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1	ahead and note that and just do a wish list.	1	been enacted, right?
2	MR. GRAY, JR.: All right.	2	A. Uh-huh (affirmative).
3	Q. (By Mr. Thomas) Now, why the more	3	Q. So, what did you base your
4	expansive definition for the qualified location	4	assumption that more people would be there on?
5	for the holder of a Class B bingo license?	5	i mean, you only I mean, 30 days.
6	A. That would probably be - that's	6	A. Well, this would it would be
7	because it was more elaborate. It would be	7	played at a larger place.
8	attended by more people.	8	Q. Well, I mean, but how did you know
9	Q. When you say elaborate, I jump to	9	that? If the I'm sorry. If the amendment is
10	the conclusion that they are more	10	approved on November 4th, 2003, right?
11	revenue-generating. Is that a fair assessment	11	A. Yes. Uh-huh (affirmative).
12	when you say elaborate?	12	Q. And you issued the rules on
13	I mean, I'm not getting your	13	December 5th, 2003, within a 25 to 30-day
14	definition of elaborate.	14	period. How did you know that more people would
15	A. Well, maybe elaborate was the wrong	15	be there, I guess is my question?
16	choice of words. It would – it would be a more	16	A. After conversations with my
17	that would it would be more	17	attorney. And we knew that this would probably
18	revenue-generating and probably attended by more	18	be played at VictoryLand.
19	people.	19	Q. Now, that's my question to you. It
20	Q. Staying there in Section (j), why	20	is a fair statement that from November 4th,
21	the requirement of public liability insurance in	21	2003, to December 5th, 2003, that period of
22	an amount not less than \$5 million?	22	time, you had never issued a license, right?
23	A. Because it would probably be – you	23	A. No.
	**************************************	ş	
	Page 46		Page 48
1	·	1	_
ŧ	know, you need insurance if you're going to run	1 2	Q. Because it had just been approved,
1 2 3	know, you need insurance if you're going to run a facility.	2	Q. Because it had just been approved, right?
2	know, you need insurance if you're going to run a facility.  Q. But you didn't require any	į	Q. Because it had just been approved, right? A. Excuse me?
2	know, you need insurance if you're going to run a facility.  Q. But you didn't require any liability insurance for the Class A bingo	2 3	Q. Because it had just been approved, right? A. Excuse me? Q. I mean, the amendment had just been
2 3 4	know, you need insurance if you're going to run a facility.  Q. But you didn't require any	3 4	<ul> <li>Q. Because it had just been approved,</li> <li>right?</li> <li>A. Excuse me?</li> <li>Q. I mean, the amendment had just been adopted by the legislature, right?</li> </ul>
2 3 4 5	know, you need insurance if you're going to run a facility.  Q. But you didn't require any liability insurance for the Class A bingo license. Per your definition now. I'm just going on your definition.	2 3 4 5	Q. Because it had just been approved, right?  A. Excuse me? Q. I mean, the amendment had just been adopted by the legislature, right?  A. Ask your question again in its
2 3 4 5 6	know, you need insurance if you're going to run a facility.  Q. But you didn't require any liability insurance for the Class A bingo license. Per your definition now. I'm just going on your definition.	2 3 4 5 6	Q. Because it had just been approved, right?  A. Excuse me? Q. I mean, the amendment had just been adopted by the legislature, right?  A. Ask your question again in its entirety.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	know, you need insurance if you're going to run a facility.  Q. But you didn't require any liability insurance for the Class A bingo license. Per your definition now. I'm just going on your definition.  A. Uh-huh (affirmative).  Q. And please review it.  A. Sure.  Q. Under (i) there is no reference whatsoever to any amount of public liability insurance in any amount.  A. Uh-huh (affirmative).  Q. Right?  A. Yes.  Q. And my question to you is why the requirement here of public liability insurance in an amount not less than \$5 million?  A. That would — because it would be	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Because it had just been approved, right?  A. Excuse me? Q. I mean, the amendment had just been adopted by the legislature, right? A. Ask your question again in its entirety. Q. Amendment 744 was passed on about November 4th, 2003? A. Right. Q. Your first set of rules are issued on December 5, 2003? A. Yes. Q. Thirty-one days later? A. Yes. Q. So, that means obviously there was no bingo in Macon County from November 4th to December 5th, was it? A. Right.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	know, you need insurance if you're going to run a facility.  Q. But you didn't require any liability insurance for the Class A bingo license. Per your definition now. I'm just going on your definition.  A. Uh-huh (affirmative).  Q. And please review it.  A. Sure.  Q. Under (i) there is no reference whatsoever to any amount of public liability insurance in any amount.  A. Uh-huh (affirmative).  Q. Right?  A. Yes.  Q. And my question to you is why the requirement here of public liability insurance in an amount not less than \$5 million?  A. That would — because it would be — that would be feasible in that there would be	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Because it had just been approved, right?  A. Excuse me? Q. I mean, the amendment had just been adopted by the legislature, right? A. Ask your question again in its entirety. Q. Amendment 744 was passed on about November 4th, 2003? A. Right. Q. Your first set of rules are issued on December 5, 2003? A. Yes. Q. Thirty-one days later? A. Yes. Q. So, that means obviously there was no bingo in Macon County from November 4th to December 5th, was it? A. Right. Q. Now, my question: How did you know
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	know, you need insurance if you're going to run a facility.  Q. But you didn't require any liability insurance for the Class A bingo license. Per your definition now. I'm just going on your definition.  A. Uh-huh (affirmative).  Q. And please review it.  A. Sure.  Q. Under (i) there is no reference whatsoever to any amount of public liability insurance in any amount.  A. Uh-huh (affirmative).  Q. Right?  A. Yes.  Q. And my question to you is why the requirement here of public liability insurance in an amount not less than \$5 million?  A. That would — because it would be more people attending, more activity there.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Because it had just been approved, right?  A. Excuse me? Q. I mean, the amendment had just been adopted by the legislature, right? A. Ask your question again in its entirety. Q. Amendment 744 was passed on about November 4th, 2003? A. Right. Q. Your first set of rules are issued on December 5, 2003? A. Yes. Q. Thirty-one days later? A. Yes. Q. So, that means obviously there was no bingo in Macon County from November 4th to December 5th, was it? A. Right. Q. Now, my question: How did you know that it would be at VictoryLand?

	Page 49	-	Page 51
1	Q. Did someone from VictoryLand tell	1	Q. No. Prior to December 5, 2003.
2	you they would want a license?	2	A. Ask that ask that again.
3	A. I think that was obvious that they	3	Q. Okay. Your rules are issued on
4	would want a license.	4	December 5, 2003, right?
5	Q. Why?	5	A. Yes.
6	A. Class B bingo is more – would be	6	Q. That's on this page, right?
7	more suited to a location Class B bingo is	7	A. Uh-huh (affirmative).
8	electronic bingo, and it would be - it only	8	Q. You have already confirmed for me
9	stands to reason that it would be if it's	9	that prior to November 4th, 2003, prior to the
10	going to operate in Macon County, that it would	10	enactment of Amendment 744, there was no
11	be	11	legalized bingo gaming in Macon County, right?
12	Q. I'm not following you, sheriff.	12	A. Right.
13	Electronic bingo was being conducted in Macon	13	Q. So, my question to you, based on
14	County prior to November 4th, 2003?	14	your earlier responses that VictoryLand would be
15	A. No.	15	the logical place
16	Q. All right. Is it a fair statement	16	A. Oh.
17	that there was no legalized bingo gaming in	17	Q. I'm trying to figure out how did
18	Macon County prior to	18	you get to that conclusion.
19	A. Correct.	19	A. You're asking how did I come to
20	Q. Is that a fair assumption?	20	that conclusion?
21	A. Right.	21	Q. Yes. I mean, let me say this if I
22	Q. Right?	22	could. We were addressing the requirements of a
23	A. Uh-huh (affirmative).	23	qualified location in Section (j), right?
	Page 50		Page 52
1	Q. So, the legislation the	1	A. Uh-huh (affirmative).
2	amendment is passed on November 4th, 2003.	2	Q. And I was asking you why the public
3	And my question again to you: How	3	liability insurance in the amount of no less
4	did you know that VictoryLand would be	4	than \$5 million, right?
5	interested in a license? Had anybody contacted	5	A. Uh-huh (affirmative).
6	you from VictoryLand?	6	Q. And you testified to some extent
7	A. No.	7	that the only logical place would be
8	Q. Okay. Now, if I'm not mistaken,	8	VictoryLand.
9	the Gray law firm also represents VictoryLand	9	A. Well, there was interest expressed.
10	and has for a period of time; is that correct?	10	Q. By whom?
11	Are you aware of that?	11	A. Milton McGreggor.
			o . 1:60
12	A. Yes.	12	<ul><li>Q. And if I'm not mistaken – and I</li></ul>
12 13	<ul><li>A. Yes.</li><li>Q. And it's the same law firm through</li></ul>	12 13	Q. And if I'm not mistaken — and I don't know any great details. But would you
13	Q. And it's the same law firm through	13	don't know any great details. But would you
13 14	Q. And it's the same law firm through Fred Gray, Jr. that you're using to assists you	13 14	don't know any great details. But would you describe for the Court what you, as sheriff, understood Milton McGreggor's relationship with VictoryLand was and is?
13 14 15	Q. And it's the same law firm through Fred Gray, Jr. that you're using to assists you in preparing these rules?	13 14 15	don't know any great details. But would you describe for the Court what you, as sheriff, understood Milton McGreggor's relationship with VictoryLand was and is?  A. He's the owner/operator.
13 14 15 16	Q. And it's the same law firm through Fred Gray, Jr. that you're using to assists you in preparing these rules? A. Yes.	13 14 15 16	don't know any great details. But would you describe for the Court what you, as sheriff, understood Milton McGreggor's relationship with VictoryLand was and is?  A. He's the owner/operator.  Q. He's the owner/operator. Okay.
13 14 15 16 17	Q. And it's the same law firm through Fred Gray, Jr. that you're using to assists you in preparing these rules? A. Yes. Q. Do you know Milton McGreggor? A. Yes, I know Milton. Q. Did he contact you at any time	13 14 15 16 17	don't know any great details. But would you describe for the Court what you, as sheriff, understood Milton McGreggor's relationship with VictoryLand was and is?  A. He's the owner/operator.  Q. He's the owner/operator. Okay.  And using the time frame of using the time
13 14 15 16 17 18	Q. And it's the same law firm through Fred Gray, Jr. that you're using to assists you in preparing these rules? A. Yes. Q. Do you know Milton McGreggor? A. Yes, I know Milton.	13 14 15 16 17 18	don't know any great details. But would you describe for the Court what you, as sheriff, understood Milton McGreggor's relationship with VictoryLand was and is?  A. He's the owner/operator.  Q. He's the owner/operator. Okay.  And using the time frame of — using the time frame of November 4th, 2003, to December 5,
13 14 15 16 17 18 19	<ul> <li>Q. And it's the same law firm through</li> <li>Fred Gray, Jr. that you're using to assists you in preparing these rules?</li> <li>A. Yes.</li> <li>Q. Do you know Milton McGreggor?</li> <li>A. Yes, I know Milton.</li> <li>Q. Did he contact you at any time prior to December 5, 2003, and express to you an interest that he would be interested in a Class</li> </ul>	13 14 15 16 17 18 19	don't know any great details. But would you describe for the Court what you, as sheriff, understood Milton McGreggor's relationship with VictoryLand was and is?  A. He's the owner/operator.  Q. He's the owner/operator. Okay.  And using the time frame of using the time
13 14 15 16 17 18 19 20	<ul> <li>Q. And it's the same law firm through</li> <li>Fred Gray, Jr. that you're using to assists you in preparing these rules?</li> <li>A. Yes.</li> <li>Q. Do you know Milton McGreggor?</li> <li>A. Yes, I know Milton.</li> <li>Q. Did he contact you at any time</li> <li>prior to December 5, 2003, and express to you an</li> </ul>	13 14 15 16 17 18 19 20	don't know any great details. But would you describe for the Court what you, as sheriff, understood Milton McGreggor's relationship with VictoryLand was and is?  A. He's the owner/operator.  Q. He's the owner/operator. Okay.  And using the time frame of — using the time frame of November 4th, 2003, to December 5,

Page 53  1 in the presence of my attorney. 2 Q. When? 3 A. Probably a week after the passage. 4 Q. Okay. It was passed on November 5 4th, 2003. Seven days thereafter would be 6 somewhere around November 11th or 12th, 2003. 7 You said a week after. 8 A. It may have been earlier. I'm 9 really not — 10 Q. How much earlier? 11 A. I don't recollect. 12 Q. Whuld if have been before 744 was 13 passed, Amendment 744 was passed? 14 A. No. 15 Q. Okay. What did Mr. McGreggor say 16 to you? 17 A. He expressed an interest in 18 conducting bingo. 19 Q. What form of bingo? 10 Q. How did he know — well, I'm sorry. 21 Q. How did he know — well, I'm sorry. 22 Had you told anybody that there would be two forms of bingo? 4 A. I discussed that with my attorney. 2 Q. Did you told anybody that there would be two going to provide for two dasses of bingo. Class 5 A and Class B? 6 A. I discussed that with my attorney. 2 Q. Did you told anybody was with anyone outside of your attorney? 3 mR. GRAY; At what point in time? 4 knowledge, how would anybody wow if you only told your attorney? 4 knowledge, how would anybody wow if you only told there were going to be two forms of licenses for bingo? 5 hingo; it hat correct? 5 A. I'm not sure. 6 Q. What do you mean? I mean, you were the one that were making the rules, right? 6 A. Uh-huh (affirmative). 9 Q. You had only discussed it with my attorney. 10 Q. Nay tide in with my attorney. 11 A. I discussed it with my attorney. 12 Q. How did he know — well, I'm sorry. 13 A. I don't understand your question. 14 A. I discussed that with my attorney. 15 Q. Well, you said that Mr. McGreggor had expressed an interest to you about the other or work of the control of th		Dogo 52		Dogo FF
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		4	
1	Q. (By Mr. Thomas) Well, about the	1 2	<ul><li>Q. We want your answers complete now.</li><li>A. Sure.</li></ul>
2	electronic then?	3	Q. Now, if we could, let's return back
3	A. The legislation.	3 4	to (j). Did anybody else other than Milton
4	(Whereupon, an off-the-record	5	McGreggor contact you between this period of
5	discussion was held.)  MR. GRAY: She said there's no	6	November 5, '03 and December I'm sorry,
6	***************************************	7	November 4th and December 5, '03?
7	distinction.	8	Did anybody else contact you on
8	MR. THOMAS: And that's why I wanted to and you may want to look at that.	9	behalf of VictoryLand?
9		10	A. I can't recall.
10	The legislation doesn't say anything about	11	Q. Do you know the name of Sarge
11	electronic bingo.	12	and I want to spell it, S-A-R-G-E — Whitehead?
12	MR. GRAY, JR.: So, you're asking	13	A. Yes, I know Sarge.
13	him how would Mr. McGreggor know	14	Q. If you would, who is Sarge
14	MR. THOMAS: I'm just trying to	15	Whitehead?
15	MR. GRAY, JR.: You're asking for him really to testify about – you're asking	16	A. Sarge is the vice president of
16	mental operation. He would not know how a	17	VictoryLand.
17 18	person would know.	18	Q. And do you recall any discussions
19	MR. THOMAS: Okay.	19	with him during this period of November 4, '03
	MR. GRAY, JR.: That would be as	20	to December 5, '03?
20	simple as that. At least	21	A. Some sort of surface conversations.
21 22	MR. THOMAS: Well	22	Q. And what do you mean about surface?
23	MR. GRASSO: Unless they had a	23	A. Just this would be good for Macon
23		20	
	Page 58		Page 60
1	common attorney.	1	County, whatever.
2	Q. (By Mr. Thomas) Let's see if we	2	Q. And what did he say to you?
3	can get it this way. And just follow me,	3	A. That's basically it. And things
4	sheriff.	4	like that.
5	Amendment 744 was passed on	5	Q. And at the time that he expressed
6	November 4th, 2003?	6	that to you, he was vice president for
7	A. Yes.	7	VictoryLand?
8	<ul> <li>Q. Your rules and regulations, per the</li> </ul>	8	MR. GRAY, JR.: You're asking did
9	date, were not issued until December 5, 2003.	9	Sarge Whitehead tell him during this time period
10	And you do recall about a week or	10	that he was vice president for VictoryLand?
11	so after the passage of Amendment 744, Mr.	11	Q. (By Mr. Thomas) No. At the time
12	McGreggor contacted you and expressed some	12	that he was making that statement to you, was he
40		13	vice president of VictoryLand
13	interest or concern for electronic bingo?	į	
14		14	A. Yes.
1	A. Uh-huh (affirmative).	14 15	A. Yes. Q as you know it?
14	<ul><li>A. Uh-huh (affirmative).</li><li>Q. Is that a fact?</li></ul>	14 15 16	A. Yes. Q as you know it? A. Yes.
14 15	<ul><li>A. Uh-huh (affirmative).</li><li>Q. Is that a fact?</li><li>A. Yes.</li><li>Q. Okay.</li></ul>	14 15 16 17	<ul><li>A. Yes.</li><li>Q as you know it?</li><li>A. Yes.</li><li>Q. Did Mr. Whitehead say anything else</li></ul>
14 15 16	<ul><li>A. Uh-huh (affirmative).</li><li>Q. Is that a fact?</li><li>A. Yes.</li><li>Q. Okay.</li></ul>	14 15 16 17 18	<ul> <li>A. Yes.</li> <li>Q as you know it?</li> <li>A. Yes.</li> <li>Q. Did Mr. Whitehead say anything else about bingo gaming and VictoryLand?</li> </ul>
14 15 16 17	<ul><li>A. Uh-huh (affirmative).</li><li>Q. Is that a fact?</li><li>A. Yes.</li><li>Q. Okay.</li><li>A. Now</li></ul>	14 15 16 17 18 19	<ul> <li>A. Yes.</li> <li>Q as you know it?</li> <li>A. Yes.</li> <li>Q. Did Mr. Whitehead say anything else about bingo gaming and VictoryLand?</li> <li>A. Maybe some other references. I</li> </ul>
14 15 16 17 18	<ul> <li>A. Uh-huh (affirmative).</li> <li>Q. Is that a fact?</li> <li>A. Yes.</li> <li>Q. Okay.</li> <li>A. Now MR. GRAY: You've answered it.</li> </ul>	14 15 16 17 18 19 20	<ul> <li>A. Yes.</li> <li>Q as you know it?</li> <li>A. Yes.</li> <li>Q. Did Mr. Whitehead say anything else about bingo gaming and VictoryLand?</li> <li>A. Maybe some other references. I don't recall. But more so that it would be good</li> </ul>
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14 15 16 17 18 19 20	<ul> <li>A. Uh-huh (affirmative).</li> <li>Q. Is that a fact?</li> <li>A. Yes.</li> <li>Q. Okay.</li> <li>A. Now –</li> <li>MR. GRAY: You've answered it.</li> <li>THE WITNESS: Yes.</li> <li>Q. (By Mr. Thomas) Is there anything</li> </ul>	14 15 16 17 18 19 20	<ul> <li>A. Yes.</li> <li>Q as you know it?</li> <li>A. Yes.</li> <li>Q. Did Mr. Whitehead say anything else about bingo gaming and VictoryLand?</li> <li>A. Maybe some other references. I don't recall. But more so that it would be good</li> </ul>

1 .	Page 61		Page 63
1	VictoryLand wanted bingo gaming?	1	Q. On-site security as prescribed by
2	A. (No verbal response).	2	the sheriff. And that would be for? Where did
3	Q. Did Sarge Whitehead during this	3	you get that?
4	period of time of November 4th through December	4	A. That was sort of mine.
5	5, '03 ever inquire or request a license for	5	Q. Now, let's talk about as prescribed
6	VictoryLand?	6	by the sheriff. What type of things were you
7	A. No.	7	prescribing?
8	Q. During the same period of time of	8	A. That security be present at any
9	November 4th through December 5 of '03, were you	9	facility, any location that was while
10	contacted by representative Johnny Ford on	10	conducting bingo, this type of bingo.
11	behalf of VictoryLand?	11	Q. Number (v), on-site first aid
12	A. No. Johnny, no.	12	personnel as prescribed by the sheriff. Where
13	Q. Is there anybody else that I may	13	did you get that from, sheriff?
14	not have identified that may have contacted you?	14	A. Me and my attorney came up with
15	A. No.	15	that.
16	Q. Now, sheriff, if we could, let's	16	Q. Number (vi), cash or surety bond in
17	return to Section 1(j). Sheriff, this is at	17	an amount not less than \$1 million.
18	Page 2, and look at (ii).	18	A. My attorney.
19	A. (i)?	19	Q. Why not less than \$1 million?
20	Q. (ii) or two.	20	A. My attorney.
21	MR. GRAY JR.: What page are you	21	Q. Now, you are comfortable with the
22	on?	22	fact that once you promulgated these rules, they
23	MR. THOMAS: Page 2, (j).	23	became your rules?
	Page 62		Page 64
1	MR. GRAY, JR.: Okay. (j).	1	A. Yes.
2	Q. (By Mr. Thomas) And it's (ii).	ì	
3	• • • • • • • • • • • • • • • • • • • •	12	Q. I mean, these are your rules?
	A. Uh-huh (affirmative).	2	Q. I mean, these are your rules? A. Yes.
	A. Uh-huh (affirmative). Q. If liguor is served, liguor	3	A. Yes.
4	Q. If liquor is served, liquor	3 4	A. Yes. Q. Now, my question again to you: As
4 5	Q. If liquor is served, liquor liability insurance in the amount of not less	3 4 5	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a
4 5 6	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part	3 4 5 6	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than
4 5 6 7	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?	3 4 5 6 7	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million?
4 5 6 7 8	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk,	3 4 5 6 7 8	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my
4 5 6 7 8 9	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.	3 4 5 6 7 8 9	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney.
4 5 6 7 8 9	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of	3 4 5 6 7 8 9	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting
4 5 6 7 8 9 10 11	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not	3 4 5 6 7 8 9 10	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as
4 5 6 7 8 9 10 11 12	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not serving liquor, they would not have to have this	3 4 5 6 7 8 9 10 11 12	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as necessary to preserve and promote the integrity
4 5 6 7 8 9 10 11 12 13	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not serving liquor, they would not have to have this liability insurance. Is that a fair assessment?	3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as necessary to preserve and promote the integrity of the operation of bingo games and to ensure
4 5 6 7 8 9 10 11 12 13 14	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not serving liquor, they would not have to have this liability insurance. Is that a fair assessment?  A. Uh-huh (affirmative).	3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as necessary to preserve and promote the integrity of the operation of bingo games and to ensure the protection of the charitable license holder
4 5 6 7 8 9 10 11 12 13 14 15	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not serving liquor, they would not have to have this liability insurance. Is that a fair assessment?  A. Uh-huh (affirmative).  Q. Okay. This only comes into play if	3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as necessary to preserve and promote the integrity of the operation of bingo games and to ensure the protection of the charitable license holder and its patrons.
4 5 6 7 8 9 10 11 12 13 14 15 16	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not serving liquor, they would not have to have this liability insurance. Is that a fair assessment?  A. Uh-huh (affirmative).  Q. Okay. This only comes into play if liquor is going to be served?	3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as necessary to preserve and promote the integrity of the operation of bingo games and to ensure the protection of the charitable license holder and its patrons. What was the basis for the
4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not serving liquor, they would not have to have this liability insurance. Is that a fair assessment?  A. Uh-huh (affirmative).  Q. Okay. This only comes into play if liquor is going to be served?  A. Yes.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as necessary to preserve and promote the integrity of the operation of bingo games and to ensure the protection of the charitable license holder and its patrons. What was the basis for the requirement of (vii)?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not serving liquor, they would not have to have this liability insurance. Is that a fair assessment?  A. Uh-huh (affirmative).  Q. Okay. This only comes into play if liquor is going to be served?  A. Yes.  Q. Where did you get this from?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as necessary to preserve and promote the integrity of the operation of bingo games and to ensure the protection of the charitable license holder and its patrons. What was the basis for the requirement of (vii)? A. Ask the question again.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not serving liquor, they would not have to have this liability insurance. Is that a fair assessment?  A. Uh-huh (affirmative).  Q. Okay. This only comes into play if liquor is going to be served?  A. Yes.  Q. Where did you get this from?  A. My attorney.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as necessary to preserve and promote the integrity of the operation of bingo games and to ensure the protection of the charitable license holder and its patrons. What was the basis for the requirement of (vii)? A. Ask the question again. Q. What was the basis for this
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not serving liquor, they would not have to have this liability insurance. Is that a fair assessment?  A. Uh-huh (affirmative).  Q. Okay. This only comes into play if liquor is going to be served?  A. Yes.  Q. Where did you get this from?  A. My attorney.  Q. Okay. (iii) or number three,	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as necessary to preserve and promote the integrity of the operation of bingo games and to ensure the protection of the charitable license holder and its patrons. What was the basis for the requirement of (vii)? A. Ask the question again. Q. What was the basis for this requirement that you've identified in your rules
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not serving liquor, they would not have to have this liability insurance. Is that a fair assessment?  A. Uh-huh (affirmative).  Q. Okay. This only comes into play if liquor is going to be served?  A. Yes.  Q. Where did you get this from?  A. My attorney.  Q. Okay. (iii) or number three, adequate parking for patrons and employees.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as necessary to preserve and promote the integrity of the operation of bingo games and to ensure the protection of the charitable license holder and its patrons. What was the basis for the requirement of (vii)? A. Ask the question again. Q. What was the basis for this requirement that you've identified in your rules as (j)(vii)?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. If liquor is served, liquor liability insurance in the amount of not less than \$1 million. Why did you put this as a part of your rules and regulations?  A. Because if the people get drunk, they'll there is some liability there.  Q. It starts off with the condition of if liquor is served. So, if a facility was not serving liquor, they would not have to have this liability insurance. Is that a fair assessment?  A. Uh-huh (affirmative).  Q. Okay. This only comes into play if liquor is going to be served?  A. Yes.  Q. Where did you get this from?  A. My attorney.  Q. Okay. (iii) or number three,	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. Now, my question again to you: As the sheriff who promulgated the rules, why a cash or surety bond in an amount not less than \$1 million? A. I acted upon the advice of my attorney. Q. Number (vii), such accounting procedures, controls and security monitoring as necessary to preserve and promote the integrity of the operation of bingo games and to ensure the protection of the charitable license holder and its patrons. What was the basis for the requirement of (vii)? A. Ask the question again. Q. What was the basis for this requirement that you've identified in your rules

	Page 65		Page 67
1	Q. Was this yours or your attorney's?	1	MR. GRAY, JR.: Unless he says
2	A. My attorney's.	2	otherwise.
3	Q. Now, you said attorneys. I thought	3	MR. THOMAS: Well, he just said
4	from your earlier response, it was just Fred	4	that.
5	Gray.	5	Q. Moving to number (viii),
6	A. I misspoke. My attorney.	6	satisfactory evidence that the owner or owners
7	MR. GRAY, JR: Apostrophe "s" is	7	of the location paid at least \$5 million for the
8	probably what he was saying. You were asking	8	land, building and other capital improvements
9	was it mine or my attorney's. He kept saying my	9	(before depreciation) comprising said location
10	attorney's.	10	or the value of said land, building or other
11	MR. THOMAS: So, the questions was	11	capital improvements (before depreciation) must
12	the possessive, my attorney's?	12	be at least \$5 million.
13	MR. GRAY, JR.: Exactly.	13	Sheriff, what was your reasoning in
14	MR. THOMAS: Okay. And he just	14	this section, number (viii)?
15	left off the possessive.	15	<ul> <li>A. That was to make sure that we</li> </ul>
16	MR. GRAY, JR.: That's a	16	didn't have trailers sitting.
17	possibility.	17	Q. Trailers. And any other
18	Q. (By Mr. Thomas) Okay. Sheriff, as	18	considerations?
19	I understood your response, it's my attorney's?	19	A. That there be substantial
20	A. Uh-huh (affirmative).	20	investment in Macon County.
21	Q. Sheriff, you have to respond so she	21	Q. Any other considerations?
22	can get it down.	22	A. That's about it.
23	A. Yes, yes.	23	Q. What's magical about \$5 million
	Page 66		Page 68
1 4	0 4 40 4 10 5 10 10		
1	Q. And that would be Fred Gray, Jr.?	1	being substantial?
2	A. Yes.	1 2	being substantial?  MR. GRAY, JR.: You're asking
1		ĺ	MR. GRAY, JR.: You're asking what's magical?
2	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's	2	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5
2 3	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We	2 3 4 5	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial
2 3 4 5 6	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's	2 3 4 5 6	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial —  THE WITNESS: If —
2 3 4 5 6 7	A. Yes. MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it.	2 3 4 5 6 7	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial  THE WITNESS: If -  Q. (By Mr. Thomas) Sheriff, hold on.
2 3 4 5 6 7 8	A. Yes. MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it.  But when he's been saying my	2 3 4 5 6 7 8	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial  THE WITNESS: If -  Q. (By Mr. Thomas) Sheriff, hold on. I just want to make sure I understood your
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2 3 4 5 6 7 8 9 10	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it.  But when he's been saying my attorney's, it's been in the possessive tense because the question has been was this yours or your attorney's. And he's been saying my	2 3 4 5 6 7 8 9 10	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial  THE WITNESS: If -  Q. (By Mr. Thomas) Sheriff, hold on. I just want to make sure I understood your consideration for (viii).  And there were two. No trailers.  And the second aspect was substantial
2 3 4 5 6 7 8 9 10 11 12	A. Yes. MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it. But when he's been saying my attorney's, it's been in the possessive tense because the question has been was this yours or your attorney's. And he's been saying my attorney's.	2 3 4 5 6 7 8 9 10 11	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial —  THE WITNESS: If —  Q. (By Mr. Thomas) Sheriff, hold on. I just want to make sure I understood your consideration for (viii).  And there were two. No trailers.  And the second aspect was substantial investment.
2 3 4 5 6 7 8 9 10 11 12 13	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it.  But when he's been saying my attorney's, it's been in the possessive tense because the question has been was this yours or your attorney's. And he's been saying my attorney's.  MR. THOMAS: And I think his last	2 3 4 5 6 7 8 9 10 11 12 13	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial —  THE WITNESS: If —  Q. (By Mr. Thomas) Sheriff, hold on. I just want to make sure I understood your consideration for (viii).  And there were two. No trailers.  And the second aspect was substantial investment.  And I'm just asking you, surely —
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it.  But when he's been saying my attorney's, it's been in the possessive tense because the question has been was this yours or your attorney's. And he's been saying my attorney's.  MR. THOMAS: And I think his last response cleared it up.  MR. GRAY, JR.: Very well.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial  THE WITNESS: If -  Q. (By Mr. Thomas) Sheriff, hold on. I just want to make sure I understood your consideration for (viii).  And there were two. No trailers.  And the second aspect was substantial investment.  And I'm just asking you, surely  you know, you can get a trailer for under \$5 million. You can get something other than a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it.  But when he's been saying my attorney's, it's been in the possessive tense because the question has been was this yours or your attorney's. And he's been saying my attorney's.  MR. THOMAS: And I think his last response cleared it up.  MR. GRAY, JR.: Very well.  MR. THOMAS: So, I don't have any	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial —  THE WITNESS: If —  Q. (By Mr. Thomas) Sheriff, hold on. I just want to make sure I understood your consideration for (viii).  And there were two. No trailers.  And the second aspect was substantial investment.  And I'm just asking you, surely — you know, you can get a trailer for under \$5 million. You can get something other than a trailer for under \$5 million. You would agree
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it.  But when he's been saying my attorney's, it's been in the possessive tense because the question has been was this yours or your attorney's. And he's been saying my attorney's.  MR. THOMAS: And I think his last response cleared it up.  MR. GRAY, JR.: Very well.  MR. THOMAS: So, I don't have any problem with it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial —  THE WITNESS: If —  Q. (By Mr. Thomas) Sheriff, hold on. I just want to make sure I understood your consideration for (viii).  And there were two. No trailers.  And the second aspect was substantial investment.  And I'm just asking you, surely — you know, you can get a trailer for under \$5 million. You can get something other than a trailer for under \$5 million. You would agree with me, right?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it.  But when he's been saying my attorney's, it's been in the possessive tense because the question has been was this yours or your attorney's. And he's been saying my attorney's.  MR. THOMAS: And I think his last response cleared it up.  MR. GRAY, JR.: Very well.  MR. THOMAS: So, I don't have any problem with it.  MR. GRASSO: So, just for the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial —  THE WITNESS: If —  Q. (By Mr. Thomas) Sheriff, hold on. I just want to make sure I understood your consideration for (viii).  And there were two. No trailers.  And the second aspect was substantial investment.  And I'm just asking you, surely — you know, you can get a trailer for under \$5 million. You can get something other than a trailer for under \$5 million. You would agree with me, right?  A. Uh-huh (affirmative).
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it.  But when he's been saying my attorney's, it's been in the possessive tense because the question has been was this yours or your attorney's. And he's been saying my attorney's.  MR. THOMAS: And I think his last response cleared it up.  MR. GRAY, JR.: Very well.  MR. THOMAS: So, I don't have any problem with it.  MR. GRASSO: So, just for the record, every time he says attorney, he's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial  THE WITNESS: If -  Q. (By Mr. Thomas) Sheriff, hold on. I just want to make sure I understood your consideration for (viii).  And there were two. No trailers.  And the second aspect was substantial investment.  And I'm just asking you, surely you know, you can get a trailer for under \$5 million. You can get something other than a trailer for under \$5 million. You would agree with me, right?  A. Uh-huh (affirmative).  Q. I mean, you can get a nice building
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it.  But when he's been saying my attorney's, it's been in the possessive tense because the question has been was this yours or your attorney's. And he's been saying my attorney's.  MR. THOMAS: And I think his last response cleared it up.  MR. GRAY, JR.: Very well.  MR. THOMAS: So, I don't have any problem with it.  MR. GRASSO: So, just for the record, every time he says attorney, he's speaking about Fred Gray, Jr.?  MR. GRAY, JR.: That's correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial —  THE WITNESS: If —  Q. (By Mr. Thomas) Sheriff, hold on. I just want to make sure I understood your consideration for (viii).  And there were two. No trailers.  And the second aspect was substantial investment.  And I'm just asking you, surely — you know, you can get a trailer for under \$5 million. You can get something other than a trailer for under \$5 million. You would agree with me, right?  A. Uh-huh (affirmative).  Q. I mean, you can get a nice building for \$2.5 million?  A. Uh-huh (affirmative).
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes.  MR. GRAY, JR.: Well, let me just say this because we don't know really how it's going to be transcribed in the question. We have the opportunity to read and review. We'd see it.  But when he's been saying my attorney's, it's been in the possessive tense because the question has been was this yours or your attorney's. And he's been saying my attorney's.  MR. THOMAS: And I think his last response cleared it up.  MR. GRAY, JR.: Very well.  MR. THOMAS: So, I don't have any problem with it.  MR. GRASSO: So, just for the record, every time he says attorney, he's speaking about Fred Gray, Jr.?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. GRAY, JR.: You're asking what's magical?  MR. THOMAS: Yeah. I mean, why \$5 million? He said substantial —  THE WITNESS: If —  Q. (By Mr. Thomas) Sheriff, hold on. I just want to make sure I understood your consideration for (viii).  And there were two. No trailers.  And the second aspect was substantial investment.  And I'm just asking you, surely — you know, you can get a trailer for under \$5 million. You can get something other than a trailer for under \$5 million. You would agree with me, right?  A. Uh-huh (affirmative).  Q. I mean, you can get a nice building for \$2.5 million?  A. Uh-huh (affirmative).

	Page 69		Page 71
1	line of demarcation was \$5 million. That's all.	1	MR. GRAY: He also said he adopted
2	A. At the time	2	all of them. So, they're his.
3	Q. This is 2003.	3	MR. THOMAS: Right. And I'm asking
4	A. Yes. At the time it seemed	4	him what was it. Explain it to me. Why? If
5	substantial.	5	they're his, why?
6	Q. Okay. And was this yours? I'm	6	Q. Why the alternative that you have
7	sorry. Was this section drafted by the sheriff,	7	in your adopted rule?
8	David Warren?	8	<ul> <li>A. I act on the advice of my attorney,</li> </ul>
9	A. By my attorney.	9	and that's my answer.
10	Q. Excuse me?	10	Q. So, is it your statement to the
11	A. By my attorney.	11	Court your attorney prepared these rules, and
12	Q. And, again, when we talk about	12	that's just it?
13	If the \$5 million relates to	13	A. No.
14	building, land and other capital improvements,	14	Q. You know nothing about these rules;
15	what is other capital improvements?	15	is that what you're telling the Court?
16	<ul> <li>A. That was added by my attorney.</li> </ul>	16	A. No.
17	Q. But as the sheriff who promulgated	17	Q. And you are comfortable that
18	the rules, what is your understanding of other	18	Amendment 744 said that the sheriff shall ensure
19	capital improvements?	19	compliance pursuant to any rules or regulations,
20	A. I guess equipment or that type of	20	right?
21	thing.	21	A. Yes.
22	Q. What type of equipment, sheriff?	22	Q. Not your attorney?
23	A. Furniture, whatever it took to run	23	A. Uh-huh (affirmative).
	Page 70		Page 72
1	whatever it took to there with the	1	Q. Right?
2	facility.	2	A. Uh-huh (affirmative).
3	<ul> <li>Q. Now, you have here in number (viii)</li> </ul>	3	Q. Okay. Sheriff, returning and
4	the word "or:" You see that first language,	4	now we're on Page 3. Satisfactory evidence that
5	satisfactory evidence that the owner or owners	5	the location is fully compliant with The
6	of the location paid at least \$5 million for the	6	Americans with Disabilities Act.
7	land, building and other capital improvements	7	Is that yours?
8	(before depreciation) comprising said location	8	A. Yes.
9	"or" the value of said land, building or other	9	Q. What were some of your aims there
10	capital improvements (before depreciation) must	10	with making that a requirement?
11	be at least \$5 million.	11	A. That's public law, isn't it?
12	What was the reasoning of the	12	Q. Number (x), satisfactory evidence
13	alternative here, or the value of said land,	13	that the owner or owners of such location have
14	building or other capital improvements?	14	been residents of the State of Alabama for at
15	A. My attorney did that.	15	least three (3) years; or if the owner is a partnership, association, corporation, limited
16	Q. Got you. And as the sheriff who	16	liability company or other business entity,
17	promulgated the rules, you don't have a response	17 18	satisfactory evidence that those partners,
18	for me?	19	members, or stockholders of such entity that own
19	MR. GRAY, JR.: You just asked a	20	collectively at least two-thirds (2/3) of the
20	question, and he just gave you a response.  MR. THOMAS: But he said his	21	voting rights and equity interests of such
	IVIA. LERAVIAGE DULLIE SAIGIJIS	1 4	Today agrico dala oqual milotocco or odor.
21		22	
22 23	attorney prepared it. I'm asking him as the official	22 23	entity are individuals that have been residents of the State of Alabama for at least three (3)

ļ	Page 73	•	Page 75
1	years.	1	lot of people there, right, watching the dogs
2	What was the purpose of this,	2	race?
3	sheriff?	3	A. There would be patrons there.
4	A. That was added under the advice of	4	Q. And you also observed readily they
5	my attorney.	5	had parking?
6	Q. Can I determine from that that your	6	A. Uh-huh (affirmative).
7	attorney prepared this?	7	Q. Right?
8	A. Yes.	8	A. Uh-huh (affirmative).
9	Q. Sheriff, in (k), bingo session, it	9	Q. You have to answer.
10	says session, but really it's, what, 24 hours	10	A. Yes.
11	during the week for seven days?	11	Q. And you also observed that they had
12	A. Uh-huh (affirmative).	12	security?
13	Q. So, a session, practically	13	A. Yes.
14	speaking, is a week?	14	Q. You also observed they served
15	A. Uh-huh (affirmative).	15	liquor?
16	Q. Now, sheriff, when you were	16	A. Yes.
17	drafting in conjunction with your attorney	17	Q. As sheriff, did you were you
18	Section (j), as you have alluded to, the only	18	able to make any observations about whether or
19	logical place that could meet this requirement	19	not the facility was in compliance with The
20	would be VictoryLand.	20	Americans with Disabilities Act?
21	Isn't that a fair assessment?	21	A. Yes.
22	<ol> <li>At that point in time.</li> </ol>	22	Q. Okay. Sheriff, one footnote I
23	Q. Yes. Right?	23	forgot to drop. Any time you want to break, you
	Page 74		Page 76
1	A. Yes.	1	just raise your hand. Okay?
2	Q. So, wouldn't it be a fair statement	2	A. Sure, sure.
3	that you, in adopting these rules, were adopting	3	Q. Okay. Or if you need water or
4	them with VictoryLand in mind?	4	anything. Okay?
5	And not saying adopting them.	5	A. Uh-huh (affirmative).
6	Promulgating them.	6	<ul> <li>Q. Now, sheriff, moving on to Section</li> </ul>
7	A. That was the only facility in Macon	7	2. Well, before I leave Section (j), based on
8	County at the time.	8	your answers, VictoryLand was a perfect fit for
9	<ul> <li>Q. To your knowledge and as sheriff</li> </ul>	9	your rules then?
1 ~			
10	for those years, what was the business at hand	10	A. VictoryLand was the only facility
	for those years, what was the business at hand at VictoryLand during this time? What did they	11	involved in gaming in Macon County.
10		11 12	involved in gaming in Macon County.  Q. And when you say gaming, dog
10 11	at VictoryLand during this time? What did they do there?  A. The dog racing.	11 12 13	involved in gaming in Macon County.  Q. And when you say gaming, dog racing?
10 11 12	at VictoryLand during this time? What did they do there?  A. The dog racing.  Q. Any other activities you know of?	11 12 13 14	involved in gaming in Macon County.  Q. And when you say gaming, dog racing?  A. Gaming.
10 11 12 13 14 15	at VictoryLand during this time? What did they do there?  A. The dog racing. Q. Any other activities you know of? A. That was it.	11 12 13 14 15	involved in gaming in Macon County.  Q. And when you say gaming, dog racing?  A. Gaming.  Q. Well, did they do anything else
10 11 12 13 14	at VictoryLand during this time? What did they do there?  A. The dog racing. Q. Any other activities you know of? A. That was it. Q. Did you ever go there?	11 12 13 14 15 16	involved in gaming in Macon County.  Q. And when you say gaming, dog racing?  A. Gaming.  Q. Well, did they do anything else other than dog racing there prior to November
10 11 12 13 14 15 16 17	at VictoryLand during this time? What did they do there?  A. The dog racing. Q. Any other activities you know of? A. That was it. Q. Did you ever go there? A. Occasionally.	11 12 13 14 15 16 17	involved in gaming in Macon County. Q. And when you say gaming, dog racing? A. Gaming. Q. Well, did they do anything else other than dog racing there prior to November 2003?
10 11 12 13 14 15 16 17 18	at VictoryLand during this time? What did they do there?  A. The dog racing. Q. Any other activities you know of? A. That was it. Q. Did you ever go there? A. Occasionally. Q. If I could, in your capacity as	11 12 13 14 15 16 17 18	involved in gaming in Macon County.  Q. And when you say gaming, dog racing?  A. Gaming. Q. Well, did they do anything else other than dog racing there prior to November 2003?  A. Not to my knowledge.
10 11 12 13 14 15 16 17 18 19	at VictoryLand during this time? What did they do there?  A. The dog racing.  Q. Any other activities you know of?  A. That was it.  Q. Did you ever go there?  A. Occasionally.  Q. If I could, in your capacity as sheriff?	11 12 13 14 15 16 17 18	involved in gaming in Macon County.  Q. And when you say gaming, dog racing?  A. Gaming. Q. Well, did they do anything else other than dog racing there prior to November 2003?  A. Not to my knowledge. Q. And as sheriff, you would know,
10 11 12 13 14 15 16 17 18 19 20	at VictoryLand during this time? What did they do there?  A. The dog racing. Q. Any other activities you know of? A. That was it. Q. Did you ever go there? A. Occasionally. Q. If I could, in your capacity as sheriff? A. Yes. I go there from time to time.	11 12 13 14 15 16 17 18 19 20	involved in gaming in Macon County.  Q. And when you say gaming, dog racing?  A. Gaming. Q. Well, did they do anything else other than dog racing there prior to November 2003?  A. Not to my knowledge. Q. And as sheriff, you would know, wouldn't you?
10 11 12 13 14 15 16 17 18 19 20 21	at VictoryLand during this time? What did they do there?  A. The dog racing. Q. Any other activities you know of? A. That was it. Q. Did you ever go there? A. Occasionally. Q. If I could, in your capacity as sheriff? A. Yes. I go there from time to time. Q. You recognized that there was a	11 12 13 14 15 16 17 18 19 20 21	involved in gaming in Macon County.  Q. And when you say gaming, dog racing?  A. Gaming. Q. Well, did they do anything else other than dog racing there prior to November 2003?  A. Not to my knowledge. Q. And as sheriff, you would know, wouldn't you?  A. Uh-huh (affirmative).
10 11 12 13 14 15 16 17 18 19 20	at VictoryLand during this time? What did they do there?  A. The dog racing. Q. Any other activities you know of? A. That was it. Q. Did you ever go there? A. Occasionally. Q. If I could, in your capacity as sheriff? A. Yes. I go there from time to time.	11 12 13 14 15 16 17 18 19 20	involved in gaming in Macon County.  Q. And when you say gaming, dog racing?  A. Gaming. Q. Well, did they do anything else other than dog racing there prior to November 2003?  A. Not to my knowledge. Q. And as sheriff, you would know, wouldn't you?

	Court Reporting Legal VII		justing
	Page 77		Page 79
1	Q. Sheriff, looking at Section 3,	1	Court? You jointly prepared it?
2	bingo license required, is this pretty much what	2	A. This document was jointly prepared.
3	you had prepared or that of your attorney?	3	I had I was there.
4	MR. GRAY, JR.: You're asking who	4	Q. So, you just rubber-stamped what
ſ	drafted it?	5	your lawyer prepared; is that what you're
5	MR. THOMAS: Yes.	6	saying?
6		7	MR. GRAY, JR.: Objection. That's
7	MR. GRAY, JR.: Because you know	8	going into attorney/client privilege actually.
8	you asked that in the very beginning, and he	9	MR. GRAY: And that's not what his
9	told you that I drafted them.		testimony has been.
10	MR. THOMAS: But he said some parts	10	=
11	he had input, though.	11	Q. (By Mr. Thomas) Okay. Well,
12	MR. GRAY, JR.: Right.	12	again, my question to him, on Section 3, did you
13	MR. THOMAS: So, I'm just trying to	13	prepare this as sheriff?
14	figure out on Section 3, who is that. Is that	14	A. I collaborated with my attorney to
15	the sheriff or the attorney?	15	prepare it.
16	MR. GRAY, JR.: Okay. Because you	16	Q. Okay. Now, Section 4. That's on
17	just asked who drafted it.	17	Page 4, sheriff. In (a) it provides that any
18	MR. GRAY: I think he said he had	18	nonprofit organization, as defined herein,
19	input in all of them because they're his, but he	19	desiring to obtain a license to operate bingo
20	didn't physically draft them.	20	games hereunder shall make application to the
21	MR. GRASSO: Well, I think we have	21	sheriff on forms prescribed by the sheriff and
22	the right to find out what part is his language	22	shall pay an annual fee \$250 for a Class A bingo
23	and what part was written by Mr. Gray, Jr.	23	license and \$1,000 for a Class B bingo license.
	Page 78		Page 80
1	because as of right now the record seems to	1	Sheriff, why the distinction
2	indicate that everything was written by Mr.	2	between the annual fee for a Class A bingo
3	Gray, Jr.	3	license and \$1,000 for the Class B bingo
4	MR. GRAY: I don't think your	4	license?
5	analysis of the testimony is correct, but	5	A. Class A would involve schools,
6	MR. GRASSO: The transcript will	6	churches, where they were mainly involved with
7	speak for itself.	7	raising of funds for their benefit.
1	•	8	Class B would involve more revenue;
8	MR. GRAY: It will speak for	9	and, therefore, with my thinking, could afford
9	itself. MR. THOMAS: Yeah. And	10	more.
10	MR. GRAY, JR.: I was I was just	11	Q. Okay. And \$1,000 was just a figure
11	•	12	that you came up with?
12	trying to get the exact question so that he can	13	A. Yes.
13	answer it.	1	Q. Sheriff, moving further down it
14	MR. THOMAS: I will repeat it.	14	talks about renewal applications shall be
15	MR. GRAY, JR.: Thank you.	15	subject to the same application fee as provided
16	• •	16	for an original application.
17	- · · · · · · · · · · · · · · · · · · ·	17	
18	• •	18	A. Uh-huh (affirmative).
19		19	Q. Is that correct?
20		20	A. Yes.
21	collaborated?	21	Q. So, the license, as stated earlier,
22	• •	22	would be good for the calendar year; is that
23	<ul><li>Q. So, what's your response to the</li></ul>	23	correct?

	Page 81		Page 83
1 1	A. Yes.	1	names and addresses of the owners thereof and a
2	Q. Conceptually?	2	copy of all rental, lease, consulting or other
3	A. Yes.	3	agreements with the said owners regarding the
4	Q. And then whenever you renewed it,	4	use of the premises for the operation of the
5	you just simply had to -	5	bingo games.
6	Did you have a renewal form that	6	What was your reasoning behind this
7	would be used, or what type of form would	7	section?
8	someone use to renew?	8	A. That was for information purposes.
9	A. They'd just well, we use the	9	It was just for general information purposes.
10	same form. They just came in and repeated it.	10	Q. And I'm assuming for this whole
11	Q. And then you'd just pay your	11	process, the application process, you would
12	A. Fee.	12	maintain records on file of all applicants and
13	Q fee based on what type of	13	the information they supplied, right, from any
14	license you had?	14	applicant?
15	A. Yes, sir.	15	A. (Indicating)?
16	Q. Got you. Then it states further	16	Q. As a part of this process you, as
17	should one or more Class B bingo license holders	17	the sheriff, right, would within your office
18	contract in a given calendar year with the owner	18	have recordkeeping mechanisms in place to retain
19	of the Class B qualified location, the owner of	19	this information?
20	said Class B qualified location shall pay a	20	A. Yes.
21	business license fee (operator's license fee) of	21	Q. That is a fact, isn't it?
22	\$40,000 at the time the Class B license is	22	A. Yes, we maintain information there.
23	issued or renewed.	23	Q. Section 4, is this your
-	Page 82	WALKALL STATES	Page 84
1	A. Yes, sir.	1	draftsmanship, or is that of your attorney?
2	Q. Why \$40,000 for the operator's	2	A. Section?
3	licenses fee?	3	Q. The whole Section 4, starting on
4	A. Again, it would at the time this	4	Page 4.
5	seemed reasonable.	5	A. Yes.
6	Q. Was this did you prepare it? Or	6	Q. Got you. That's your
7	did you determine the figure of \$40,000?	7	draftsmanship? You drafted that?
8	A. Yes.	8	A. Oh.
1 ^	Q. Sheriff, do you know of any at	9	Q. Section 4, is that your
9	this time, again in November of '03 to December	10	draftsmanship? Did you prepare this?
10			uransmansmp: Did you prepare uns:
ì	of '03, did you know of any nonprofit	11	A. This entire document is a
10 11 12	of '03, did you know of any nonprofit organization that had land or owned land of \$5	11	A. This entire document is a collaboration between me and my attorney.
10 11	organization that had land or owned land of \$5 million or more?	Ĩ	A. This entire document is a collaboration between me and my attorney.     Q. And would you answer for Section 4?
10 11 12 13 14	organization that had land or owned land of \$5 million or more?  A. I don't recall.	12 13 14	A. This entire document is a collaboration between me and my attorney.  Q. And would you answer for Section 4?  Did you prepare this? I just need your response
10 11 12 13 14 15	organization that had land or owned land of \$5 million or more?  A. I don't recall.  Q. Sheriff, moving further down in	12 13 14 15	A. This entire document is a collaboration between me and my attorney.  Q. And would you answer for Section 4?  Did you prepare this? I just need your response to Section 4.
10 11 12 13 14 15 16	organization that had land or owned land of \$5 million or more?  A. I don't recall.  Q. Sheriff, moving further down in Section 4. And could you flip to Page 5. And	12 13 14 15 16	A. This entire document is a collaboration between me and my attorney.  Q. And would you answer for Section 4?  Did you prepare this? I just need your response to Section 4.  Did you prepare this?
10 11 12 13 14 15 16 17	organization that had land or owned land of \$5 million or more?  A. I don't recall.  Q. Sheriff, moving further down in Section 4. And could you flip to Page 5. And we go to Paragraph (6). Do you see that,	12 13 14 15 16 17	A. This entire document is a collaboration between me and my attorney. Q. And would you answer for Section 4? Did you prepare this? I just need your response to Section 4. Did you prepare this? A. Clarify. What do you mean by
10 11 12 13 14 15 16 17	organization that had land or owned land of \$5 million or more?  A. I don't recall.  Q. Sheriff, moving further down in Section 4. And could you flip to Page 5. And we go to Paragraph (6). Do you see that, sheriff?	12 13 14 15 16 17 18	A. This entire document is a collaboration between me and my attorney.  Q. And would you answer for Section 4? Did you prepare this? I just need your response to Section 4.  Did you prepare this?  A. Clarify. What do you mean by prepared?
10 11 12 13 14 15 16 17 18	organization that had land or owned land of \$5 million or more?  A. I don't recall.  Q. Sheriff, moving further down in Section 4. And could you flip to Page 5. And we go to Paragraph (6). Do you see that, sheriff?  A. Yes.	12 13 14 15 16 17 18 19	A. This entire document is a collaboration between me and my attorney.  Q. And would you answer for Section 4? Did you prepare this? I just need your response to Section 4.  Did you prepare this?  A. Clarify. What do you mean by prepared?  Q. Did you draft it?
10 11 12 13 14 15 16 17 18 19 20	organization that had land or owned land of \$5 million or more?  A. I don't recall.  Q. Sheriff, moving further down in Section 4. And could you flip to Page 5. And we go to Paragraph (6). Do you see that, sheriff?  A. Yes.  Q. The exact physical location at	12 13 14 15 16 17 18 19 20	A. This entire document is a collaboration between me and my attorney.  Q. And would you answer for Section 4? Did you prepare this? I just need your response to Section 4.  Did you prepare this?  A. Clarify. What do you mean by prepared?  Q. Did you draft it?  A. That was a collaboration between me
10 11 12 13 14 15 16 17 18 19 20 21	organization that had land or owned land of \$5 million or more?  A. I don't recall.  Q. Sheriff, moving further down in Section 4. And could you flip to Page 5. And we go to Paragraph (6). Do you see that, sheriff?  A. Yes.  Q. The exact physical location at which the applicant will conduct the bingo games	12 13 14 15 16 17 18 19 20 21	A. This entire document is a collaboration between me and my attorney.  Q. And would you answer for Section 4? Did you prepare this? I just need your response to Section 4.  Did you prepare this?  A. Clarify. What do you mean by prepared?  Q. Did you draft it?  A. That was a collaboration between me and my attorney.
10 11 12 13 14 15 16 17 18 19 20	organization that had land or owned land of \$5 million or more?  A. I don't recall.  Q. Sheriff, moving further down in Section 4. And could you flip to Page 5. And we go to Paragraph (6). Do you see that, sheriff?  A. Yes.  Q. The exact physical location at	12 13 14 15 16 17 18 19 20	A. This entire document is a collaboration between me and my attorney.  Q. And would you answer for Section 4?  Did you prepare this? I just need your response to Section 4.  Did you prepare this?  A. Clarify. What do you mean by prepared?  Q. Did you draft it?  A. That was a collaboration between me

1	Page 85		Page 87
1	says upon receipt of a fully completed and	1	deal with Examiners of Public Accounts. I like
2	documented application for a license meeting all	2	to be accountable for that.
3	of the requirements set out herein, the sheriff	3	Q. So for Section 8, I can just note
4	shall make such investigation as he may deem	4	here the sheriff prepared this?
5	necessary or proper of the qualification of each	5	A. It was a lot of
6	applicant as required herein and the truth and	6	MR. GRAY, JR.: Was that a
7	veracity of the information contained or	7	question?
8	attached to the application and after making	8	MR. THOMAS: Yes. I was asking
9	such investigation and after being first	9	him.
10	satisfied that all qualifications and	10	Q. As to Section 8, I can note the
11	requirements as set out herein, the sheriff	11	sheriff prepared this?
12	shall issue such license to said applicant upon	12	A. Again, it was a collaborative
13	the terms and conditions herein set forth.	13	effort, a lot of that, because I deal with funds
14	Is that correct?	14	came from me.
15	A. Yes.	15	Q. And you're generally responsible
16	Q. In your response of processing of	16	for all the monies that come into the sheriff's
17	applications for a license, have you in fact	17	department?
18	done investigations?	18	A. Yes, sir.
19	A. Yes, sir.	19	Q. Okay. Section 9 at Page 6. And I
20	Q. What was the last application you	20	go directly to Section 9(c) there at the bottom,
21	investigated?	21	sheriff.
22	A. Probably the George Washington	22	A. Uh-huh (affirmative).
23	Carver School if that if memory serves me	23	Q. Bingo games may be operated on the
	Page 86		Page 88
			<b>.</b>
1	correct.	1	premises owned or leased by the nonprofit
1 2	correct.  Q. Do you know what type of license	1 2	premises owned or leased by the nonprofit organization operating the bingo game.
1	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·
2	Q. Do you know what type of license	2	organization operating the bingo game.
2 3 4 5	<ul><li>Q. Do you know what type of license they were seeking?</li><li>A. Class B license.</li><li>Q. Again, sheriff, Section 5, who</li></ul>	2 3	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit
2 3 4 5 6	<ul> <li>Q. Do you know what type of license they were seeking?</li> <li>A. Class B license.</li> <li>Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?</li> </ul>	2 3 4	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.
2 3 4 5 6 7	<ul> <li>Q. Do you know what type of license they were seeking?</li> <li>A. Class B license.</li> <li>Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?</li> <li>A. It was a collaboration.</li> </ul>	2 3 4 5	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the
2 3 4 5 6 7 8	<ul> <li>Q. Do you know what type of license they were seeking?</li> <li>A. Class B license.</li> <li>Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?</li> <li>A. It was a collaboration.</li> <li>Q. Okay. Sheriff, if we could, let's</li> </ul>	2 3 4 5 6 7 8	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that
2 3 4 5 6 7 8 9	<ul> <li>Q. Do you know what type of license they were seeking?</li> <li>A. Class B license.</li> <li>Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?</li> <li>A. It was a collaboration.</li> <li>Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6,</li> </ul>	2 3 4 5 6 7 8 9	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5
2 3 4 5 6 7 8 9	<ul> <li>Q. Do you know what type of license they were seeking?</li> <li>A. Class B license.</li> <li>Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?</li> <li>A. It was a collaboration.</li> <li>Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8.</li> </ul>	2 3 4 5 6 7 8 9	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where
2 3 4 5 6 7 8 9 10	Q. Do you know what type of license they were seeking?  A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?  A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8.  A. Section 8.	2 3 4 5 6 7 8 9 10 11	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this
2 3 4 5 6 7 8 9 10 11 12	Q. Do you know what type of license they were seeking?  A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?  A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8.  A. Section 8. Q. Sheriff, Section 8 talks about fee	2 3 4 5 6 7 8 9 10 11	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this requirement and conduct the Class B license?
2 3 4 5 6 7 8 9 10 11 12 13	Q. Do you know what type of license they were seeking?  A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?  A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8.  A. Section 8. Q. Sheriff, Section 8 talks about fee proceeds. Do you see that?	2 3 4 5 6 7 8 9 10 11 12 13	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this requirement and conduct the Class B license?  A. Yes, sir.
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Do you know what type of license they were seeking?  A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?  A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8.  A. Section 8. Q. Sheriff, Section 8 talks about fee proceeds. Do you see that?  A. Yes, sir.	2 3 4 5 6 7 8 9 10 11 12 13 14	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this requirement and conduct the Class B license?  A. Yes, sir.  Q. Number (d), a nonprofit
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Do you know what type of license they were seeking?  A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?  A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8.  A. Section 8. Q. Sheriff, Section 8 talks about fee proceeds. Do you see that?  A. Yes, sir. Q. What was the purpose of this	2 3 4 5 6 7 8 9 10 11 12 13 14 15	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this requirement and conduct the Class B license?  A. Yes, sir.  Q. Number (d), a nonprofit organization may enter into a contract with any
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Do you know what type of license they were seeking?  A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?  A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8.  A. Section 8. Q. Sheriff, Section 8 talks about fee proceeds. Do you see that? A. Yes, sir. Q. What was the purpose of this particular section?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this requirement and conduct the Class B license?  A. Yes, sir.  Q. Number (d), a nonprofit organization may enter into a contract with any individual, firm, association or corporation to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Do you know what type of license they were seeking? A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that? A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8. A. Section 8. Q. Sheriff, Section 8 talks about fee proceeds. Do you see that? A. Yes, sir. Q. What was the purpose of this particular section? A. That was to — that was to make —	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this requirement and conduct the Class B license?  A. Yes, sir.  Q. Number (d), a nonprofit organization may enter into a contract with any individual, firm, association or corporation to have the individual or entity operate bingo
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Do you know what type of license they were seeking?  A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that? A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8.  A. Section 8. Q. Sheriff, Section 8 talks about fee proceeds. Do you see that? A. Yes, sir. Q. What was the purpose of this particular section? A. That was to — that was to make — that was to provide for fees that were collected	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this requirement and conduct the Class B license?  A. Yes, sir.  Q. Number (d), a nonprofit organization may enter into a contract with any individual, firm, association or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Do you know what type of license they were seeking?  A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that? A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8.  A. Section 8. Q. Sheriff, Section 8 talks about fee proceeds. Do you see that? A. Yes, sir. Q. What was the purpose of this particular section? A. That was to — that was to make — that was to provide for fees that were collected and to provide a method of safeguarding and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this requirement and conduct the Class B license?  A. Yes, sir.  Q. Number (d), a nonprofit organization may enter into a contract with any individual, firm, association or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. A nonprofit organization may pay
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Do you know what type of license they were seeking?  A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?  A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8.  A. Section 8. Q. Sheriff, Section 8 talks about fee proceeds. Do you see that? A. Yes, sir. Q. What was the purpose of this particular section?  A. That was to — that was to make — that was to provide for fees that were collected and to provide a method of safeguarding and accounting.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this requirement and conduct the Class B license?  A. Yes, sir.  Q. Number (d), a nonprofit organization may enter into a contract with any individual, firm, association or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. A nonprofit organization may pay consulting fees to an individual or entity for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Do you know what type of license they were seeking? A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that? A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8. A. Section 8. Q. Sheriff, Section 8 talks about fee proceeds. Do you see that? A. Yes, sir. Q. What was the purpose of this particular section? A. That was to — that was to make — that was to provide for fees that were collected and to provide a method of safeguarding and accounting. Q. Section 8 is a collaborative	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this requirement and conduct the Class B license?  A. Yes, sir.  Q. Number (d), a nonprofit organization may enter into a contract with any individual, firm, association or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. A nonprofit organization may pay consulting fees to an individual or entity for any services performed in relation to the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Do you know what type of license they were seeking?  A. Class B license. Q. Again, sheriff, Section 5, who prepared that? Did you prepare that?  A. It was a collaboration. Q. Okay. Sheriff, if we could, let's move forward to Section 8 at Page 6. Page 6, Section 8.  A. Section 8. Q. Sheriff, Section 8 talks about fee proceeds. Do you see that? A. Yes, sir. Q. What was the purpose of this particular section?  A. That was to — that was to make — that was to provide for fees that were collected and to provide a method of safeguarding and accounting.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	organization operating the bingo game.  What was the purpose of this particular requirement, sheriff?  A. To provide a means where nonprofit organizations could conduct bingo.  Q. In other words, if they within the nonprofit organization did not own lands that met the qualified location requirement for \$5 million, they could contract or lease where someone else owned land that met this requirement and conduct the Class B license?  A. Yes, sir.  Q. Number (d), a nonprofit organization may enter into a contract with any individual, firm, association or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. A nonprofit organization may pay consulting fees to an individual or entity for

Page 91 Page 89 It seemed like -- \$1 million. That 1 A. 1 requirement? -- that would -- again, that would enhance the 2 Again, to provide a method or 3 3 possibility that people are going to mechanism for the nonprofits to conduct - to 4 participate. 4 conduct or have -- to conduct bingo games, to 5 5 involve themselves in the bingo games. Q. Now, sheriff, if I may ask, I want 6 to make sure I had the structure in mind. We 6 Got you. In number -- sheriff, 7 7 know a bingo session is 24 hours for seven days returning back to the last sentence, a nonprofit 8 organization may pay consulting fees to any a week, basically Sunday through Saturday, 9 right? 9 individual or entity for any services performed 10 in relation to the operation or conduct of a 10 A. Yes. 11 And so this \$1 million would be -Q. 11 bingo game, there is no monetary limit on what 12 that consulting fee could be. 12 under your original rules only \$1 million in prize or equivalent value thereof could be given 13 13 Is that accurate, there is no 14 limitation or restriction on that? 14 in that week's period of time; is that how it 15 worked? 15 Α. No. 16 MR. GRAY, JR: Take a look at that. 16 Q. So, if one of these nonprofit 17 17 MR. THOMAS: Again, this is at (f), organizations wanted to pay consulting fees of 18 \$2 million to an individual or entity for 18 sheriff, Page 7. 19 services performed in relation to the operation 19 MR. GRAY, JR.: And you're asking 20 20 whether -or conduct of a Class B bingo license, they 21 21 could do so? MR. THOMAS: It says during any 22 22 A. That's between them and the bingo session. 23 23 operator. MR. GRAY, JR.: Right. Page 92 Page 90 MR. THOMAS: And bingo session was 1 Okay. But as far as your rules and 1 2 regulations, there is no restriction or 2 previously defined as a 24-hour, seven-day 3 3 limitation on that at all? period. 4 4 Α. No. And I wanted to find out from the 5 5 sheriff if this \$1 million would be on a Q. You have to answer. 6 A. 6 seven-day period or could \$1 million be given No. 7 7 each day? I mean, what was the concept? Sheriff, on Page 7 going down to Q. 8 No single prize by any - that's 8 Section (f), prizes given by any nonprofit A. 9 organization for the playing of bingo games 9 sort of self-explanatory. 10 10 Okay. Well, I guess one of the shall not exceed the cash amount or gifts of 11 equivalent value set by these rules and 11 problems I'm having, you have any nonprofit 12 organization. But one or more organizations 12 regulations for any bingo session. 13 could apply for a license, couldn't they? 13 For the purpose of these rules and 14 regulations, no single prize given by any 14 Á. Yes. 15 Q. 15 nonprofit organization, or on its behalf, for And could conduct business at the same location? 16 the playing of bingo game shall exceed \$1 16 17 Α. Uh-huh (affirmative). 17 million in cash or equivalent value during any So, would that be with those two 18 bingo session. 18 Q. nonprofit organizations \$2 million could be 19 19 What was the purpose of this, 20 given out during a bingo session if \$1 million 20 sheriff? 21 21 is from each organization? I think to -- that would be to 22 22 A. Ask your question again. provide a marketable -- to get people to play. 23 Okay. If you would, this is on 23 Q. Why \$1 million, sheriff? Q.

1	Page 93		Page 05
	-		Page 95
1	Section (f), Page 7. For the purpose of these	1	gross receipts under such contract and provide a
2	rules and regulations, no single prize given by	2	copy of such contract to the sheriff.
3	any nonprofit organization, or on its behalf,	3	And my question to you, sheriff:
4	for the playing of bingo games shall exceed \$1	4	Do you maintain records of the gross receipts
5	million in cash or equivalent value during any	5	from Class B license holders?
6	bingo session.	6	A. Yes.
7	A. It says —	7	Q. So, you would have in your office a
8	MR. GRAY, JR.: There's no question	8	listing of all of the gross receipts that Class
9	pending. You just read it, but you didn't ask	9	B license holders have received during any
10	your question.	10	particular calendar year?
11	Q. (By Mr. Thomas) What did you mean	11	A. The Class B license holder's gross
12	by that, sheriff?	12	receipts. We would hold their we maintain a
13	A. What?	13	copies of their contracts.
14	Q. Okay. How many \$1 million cash	14	<ul> <li>Q. But what about their gross receipts</li> </ul>
15	prizes or equivalent value could be given out by	15	under any contract they may have, do you have
16	any nonprofit organization in a bingo session?	16	that on file in your office?
17	MR. GRAY, JR.: To any one person?	17	A. Class B license holder's gross
18	MR. THOMAS: I'm just trying to ask	18	receipts.
19	him to interpret the language. That's all.	19	Q. That's Sectiotn 10(a) at Page 7,
20	THE WITNESS: It says no single	20	the last complete sentence.
21	prize given by any nonprofit organization, or on	21	Notwithstanding the foregoing, the
22	its behalf, for the playing of bingo shall	22	holder of a Class B license who has contracted
23	exceed \$1 million in cash or equivalent value	23	with any individual, firm, association or
	Page 94		D 00
ł	1 ago 04		Page 96
1	· ·	1	-
1 2	during a bingo session.	1 2	Page 96 corporation for the operation of bingo games shall only report the Class B license holder's
	during a bingo session.	ł	corporation for the operation of bingo games
2	during a bingo session. Q. (By Mr. Thomas) Section 9, did you	2	corporation for the operation of bingo games shall only report the Class B license holder's
2	during a bingo session.  Q. (By Mr. Thomas) Section 9, did you prepare this? Did you draft this?	2	corporation for the operation of bingo games shall only report the Class B license holder's gross receipts under such contract and provide a
2 3 4	during a bingo session.  Q. (By Mr. Thomas) Section 9, did you prepare this? Did you draft this?  A. Section again oh, on Section 9?	2 3 4	corporation for the operation of bingo games shall only report the Class B license holder's gross receipts under such contract and provide a copy of such contract to the sheriff.
2 3 4 5	during a bingo session.  Q. (By Mr. Thomas) Section 9, did you prepare this? Did you draft this?  A. Section again oh, on Section 9?  Q. Yes, sir. It starts at the bottom	2 3 4 5	corporation for the operation of bingo games shall only report the Class B license holder's gross receipts under such contract and provide a copy of such contract to the sheriff.  A. We maintain a copy of the contract.
2 3 4 5 6	during a bingo session.  Q. (By Mr. Thomas) Section 9, did you prepare this? Did you draft this?  A. Section again oh, on Section 9?	2 3 4 5 6	corporation for the operation of bingo games shall only report the Class B license holder's gross receipts under such contract and provide a copy of such contract to the sheriff.  A. We maintain a copy of the contract.  Q. If you know, where are the gross
2 3 4 5 6 7	during a bingo session.  Q. (By Mr. Thomas) Section 9, did you prepare this? Did you draft this?  A. Section again oh, on Section 9?  Q. Yes, sir. It starts at the bottom of Page 6 and goes over to the middle of Page 7.	2 3 4 5 6 7	corporation for the operation of bingo games shall only report the Class B license holder's gross receipts under such contract and provide a copy of such contract to the sheriff.  A. We maintain a copy of the contract.  Q. If you know, where are the gross receipts of the Class B license holder reported?
2 3 4 5 6 7 8	during a bingo session.  Q. (By Mr. Thomas) Section 9, did you prepare this? Did you draft this?  A. Section again oh, on Section 9?  Q. Yes, sir. It starts at the bottom of Page 6 and goes over to the middle of Page 7.  A. This document is a collaboration	2 3 4 5 6 7 8	corporation for the operation of bingo games shall only report the Class B license holder's gross receipts under such contract and provide a copy of such contract to the sheriff.  A. We maintain a copy of the contract.  Q. If you know, where are the gross receipts of the Class B license holder reported?  A. That is that's the Class B
2 3 4 5 6 7 8 9	during a bingo session.  Q. (By Mr. Thomas) Section 9, did you prepare this? Did you draft this?  A. Section again oh, on Section 9?  Q. Yes, sir. It starts at the bottom of Page 6 and goes over to the middle of Page 7.  A. This document is a collaboration between me and my attorney.	2 3 4 5 6 7 8 9	corporation for the operation of bingo games shall only report the Class B license holder's gross receipts under such contract and provide a copy of such contract to the sheriff.  A. We maintain a copy of the contract.  Q. If you know, where are the gross receipts of the Class B license holder reported?  A. That is that's the Class B okay. That's we have we have contracts.
2 3 4 5 6 7 8 9	during a bingo session.  Q. (By Mr. Thomas) Section 9, did you prepare this? Did you draft this?  A. Section again oh, on Section 9?  Q. Yes, sir. It starts at the bottom of Page 6 and goes over to the middle of Page 7.  A. This document is a collaboration between me and my attorney.  Q. And that relates to Section 9, too?	2 3 4 5 6 7 8 9 10	corporation for the operation of bingo games shall only report the Class B license holder's gross receipts under such contract and provide a copy of such contract to the sheriff.  A. We maintain a copy of the contract.  Q. If you know, where are the gross receipts of the Class B license holder reported?  A. That is that's the Class B okay. That's we have we have contracts.  We have the contracts of the Class B license
2 3 4 5 6 7 8 9 10	during a bingo session.  Q. (By Mr. Thomas) Section 9, did you prepare this? Did you draft this?  A. Section again oh, on Section 9?  Q. Yes, sir. It starts at the bottom of Page 6 and goes over to the middle of Page 7.  A. This document is a collaboration between me and my attorney.  Q. And that relates to Section 9, too?  A. Yes, sir.	2 3 4 5 6 7 8 9 10	corporation for the operation of bingo games shall only report the Class B license holder's gross receipts under such contract and provide a copy of such contract to the sheriff.  A. We maintain a copy of the contract.  Q. If you know, where are the gross receipts of the Class B license holder reported?  A. That is that's the Class B okay. That's we have we have contracts. We have the contracts of the Class B license holders and the that's what we have.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	during a bingo session.  Q. (By Mr. Thomas) Section 9, did you prepare this? Did you draft this?  A. Section again oh, on Section 9?  Q. Yes, sir. It starts at the bottom of Page 6 and goes over to the middle of Page 7.  A. This document is a collaboration between me and my attorney.  Q. And that relates to Section 9, too?  A. Yes, sir.  Q. Okay. Section 10. This is at Page 7, sheriff. We go to (a), an itemized list of all gross receipts for each bingo session, which shall include all receipts derived from the sale of bingo cards, entrance fees, donations, or from any other source whatsoever pertaining to the operation of such session.  Notwithstanding the foregoing, the holder of a Class B license who has contracted with any individual, firm, association or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	corporation for the operation of bingo games shall only report the Class B license holder's gross receipts under such contract and provide a copy of such contract to the sheriff.  A. We maintain a copy of the contract.  Q. If you know, where are the gross receipts of the Class B license holder reported?  A. That is — that's the Class B — okay. That's — we have — we have contracts.  We have the contracts of the Class B license holders and the — that's what we have.  Q. Sheriff, if I may, I would like to — under the rules and regulations that you issued on December 5th, 2003, to your knowledge, for a Class B bingo license how many did you issue?  MR. GRAY: At what point?  MR. THOMAS: Again, I think it would be at any time after December 5 under these rules. They were issued on December 5.  MR. GRAY: Because I think we
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	Page 97		Page 99
1	MR. THOMAS: I know. The question	1	response was: Macon County Greyhound Park, Inc.
2	to you	2	Sheriff, my question to you: When
3	MR. GRAY, JR.: Just does he know?	3	was a license when was this Class B bingo
4	Do you know how many?	4	license issued, if you know?
5	THE WITNESS: I don't know right	5	MR. GRAY: Class B bingo license
6	now how many.	6	issued to whom?
7	Q. (By Mr. Thomas) Well, what is	7	MR. THOMAS: I would assume it
8	there anything you could refer to?	8	would be Macon County Greyhound Park.
9	A. Those licenses themselves during	9	MR. GRAY: They can't have a Class
10	that period.	10	B license under the law.
11	Q. Well, let me ask you this. I think	11	MR. THOMAS: Well, let me ask -
12	in your answers to interrogatories you I'm	12	MR. GRAY: It's the charity who has
13	sorry. In your responses to plaintiffs' first	13	it. And I'm not trying to I'm just trying to
14	request for admissions you said that a license	14	get
15	was issued to and this is going to be	15	MR. THOMAS: 1 appreciate it. 1
16	Interrogatory No. 4.	16	have no problem. I can clarify it for him.
17	MR. GRAY, JR.: Wait a minute. Let	17	MR. GRAY: Okay.
18	us get to it. You say the response to	18	Q. (By Mr. Thomas) Can you or do you
19	MR. THOMAS: Yeah. Number 4 on	19	know when the licenses were issued to the
20	Page 3.	20	charities for the conduct of a Class B bingo
21	MR. GRAY, JR.: request for	21	game at Macon County Greyhound Park? Do you
22	admissions you say?	22	know?
23	MR. THOMAS: No. This is going to	23	A. I'd have to see the license to
	Page 98		Page 100
1	be the interrogatories.	1	answer.
2	MR. GRAY, JR.: One moment.	2	Q. Got you.
3	MR. GRAY: Interrogatory Number 4	3	MR. GRAY: The information,
4	on Page 3?	4	counsel, is on each of those licenses
5	MR. THOMAS: Yes.	5	MR. THOMAS: Certificates. I know.
6	MR. GRAY: Identify the locations	6	MR. GRAY: that you have been
7	at which licensed Class B gaming currently takes	7	given a copy of. And it indicates the date it
8	place in Macon County. Is that it?	8	was issued.
9	MR. THOMAS: Yes.	9	MR. THOMAS: Got you.
10	MR. GRAY, JR.: Let me just get to	10	MR. GRASSO: Why don't we take a
11	that. Just a moment before you get to that.	11	break? The court reporter has been going for
12	Let me get one in front of him unless you have a	12	almost two hours.
13	copy.	13	MR. THOMAS: Hold on one second.
14	Or give me a moment, and I'll get	14	Let me get to this point real quick.
115			1e 1 1 1
15	to mine.	15	If you have no objections, Fred,
16	MR. THOMAS: It's Number 4, Fred,	16	I'd like to offer Plaintiffs' Exhibit 2 to be
16 17	MR. THOMAS: It's Number 4, Fred, at really, it's the answer yeah, Number 4	16 17	I'd like to offer Plaintiffs' Exhibit 2 to be made a part of his deposition, which would be
16 17 18	MR. THOMAS: It's Number 4, Fred, at really, it's the answer yeah, Number 4 at Page 3.	16 17 18	I'd like to offer Plaintiffs' Exhibit 2 to be made a part of his deposition, which would be the original rules.
16 17 18 19	MR. THOMAS: It's Number 4, Fred, at really, it's the answer yeah, Number 4 at Page 3. MR. GRAY, JR.: Okay.	16 17 18 19	I'd like to offer Plaintiffs' Exhibit 2 to be made a part of his deposition, which would be the original rules.  MR. GRAY, JR.: If you'd just be so
16 17 18 19 20	MR. THOMAS: It's Number 4, Fred, at really, it's the answer yeah, Number 4 at Page 3.  MR. GRAY, JR.: Okay. Q. (By Mr. Thomas) And the question	16 17 18 19 20	I'd like to offer Plaintiffs' Exhibit 2 to be made a part of his deposition, which would be the original rules.  MR. GRAY, JR.: If you'd just be so kind as to —
16 17 18 19 20 21	MR. THOMAS: It's Number 4, Fred, at really, it's the answer yeah, Number 4 at Page 3.  MR. GRAY, JR.: Okay. Q. (By Mr. Thomas) And the question is: Number 4, identify the locations at which	16 17 18 19 20 21	I'd like to offer Plaintiffs' Exhibit 2 to be made a part of his deposition, which would be the original rules.  MR. GRAY, JR.: If you'd just be so kind as to —  MR. THOMAS: Get a clean copy?
16 17 18 19 20	MR. THOMAS: It's Number 4, Fred, at really, it's the answer yeah, Number 4 at Page 3.  MR. GRAY, JR.: Okay. Q. (By Mr. Thomas) And the question	16 17 18 19 20	I'd like to offer Plaintiffs' Exhibit 2 to be made a part of his deposition, which would be the original rules.  MR. GRAY, JR.: If you'd just be so kind as to —

	Page 101		Page 103
1	MR. THOMAS: We'll do it at break.	1	MR. GRAY, JR.: All right.
2	MR. GRAY, JR.: All right. No	2	MR. THOMAS: I'm going to have it
3	objection.	3	marked.
4	MR. THOMAS: With that in mind, why	4	MR. GRAY, JR.: Okay. I'm just
5	don't we take a ten-minute break.	5	getting the Bates stamp numbers.
6	(Whereupon, the taking of the	6	MR. GRAY: This is going to be your
7	deposition was recessed from approximately 11:05	_	next exhibit?
8	a.m. to approximately 11:22 a.m., after which	. 8	MR. THOMAS: Yes, Mr. Gray. Let's
9	the following proceedings were had and done:)	9	do three.
10	Q. Sheriff, if I may and let me	10	MR. GRAY: That's P3?
11	just ask you, are you ready?	11	MR. THOMAS: Yeah.
12	A. Yes.	12	(Whereupon, said document was
13	Q. Sheriff, if I may, let me and	13	marked for identification as
14	I'll just show this to you for your information.	14	Plaintiffs' Exhibit No. 3 to the
15	This is a letter from your attorney, Fred Gray,	15	deposition of David M. Warren.)
16	responding and submitting to us some documents	16	Q. Sheriff, we've marked this document
17	that we had requested; i.e., licenses that	17	as Plaintiff's Exhibit 3. As I was explaining
18	you've issued.	18	to you, this is taken from some documents that
19	A. Yes.	19	were produced in response to plaintiffs' first
20	Q. And just following up on my earlier	20	request for production of documents.
21	question that I had asked you about what	21	It's a three-page document. From
22	licenses you issued after you promulgated your	22	my review of it, it possibly indicates the
23	rules, I just wanted to show you some of the	23	granting to this particular nonprofit
	Page 102		Page 104
1	materials that your lawyer submitted to me to	1	organization, Tuskegee Human & Civil Rights &
2	see if that refreshes your recollection.	2	Multicultural Center. The license is the
3	A. Yes, sir.	3	first one is dated December 17th, 2003, and the
4	Q. What I would like to do is just	4	other one is for 2005 and 2006.
5	take a little sample here.	5	And I would ask if you would
6	MR. THOMAS: Fred, take a look at	6	carefully review all three of the documents and
7	that.	7	let me know when you've finished that review so
8	MR. GRAY, JR.: You introduced two	8.	I can ask you a question or two.
9	exhibits, didn't you?	9	A. Okay.
10	MR. THOMAS: Yeah. One was the	10	Q. Sheriff, have you had a chance to
11	Amendment. That's Plaintiffs' Exhibit 1, 744.	11	review the document?
12	MR. GRAY, JR.: And Exhibit 2 is?	12	A. Yes, sir.
13	MR. THOMAS: The first rules, the	13	Q. And if you would, would you
14	originals.	14	identify that nonprofit organization to make
15	MR. GRAY, JR.: The first rules.	15	sure it confirms what I referenced earlier?
1 .		16	<ul> <li>A. It's the Tuskegee Human &amp; Civil</li> </ul>
16	Right. Okay.	1	D: 1 - 0 1 1 1 1 1 0 1
17	MR. THOMAS: Fred, if I could, let	17	Rights & Multicultural Center.
17 18	MR. THOMAS: Fred, if I could, let me have my letter back. I wanted you to inspect	17 18	Q. And on the and the third page.
17 18 19	MR. THOMAS: Fred, if I could, let me have my letter back. I wanted you to inspect that document you produced to me.	17 18 19	Q. And on the and the third page.  If you would go to the third page.
17 18 19 20	MR. THOMAS: Fred, if I could, let me have my letter back. I wanted you to inspect that document you produced to me.  MR. GRAY, JR.: All right.	17 18 19 20	<ul><li>Q. And on the and the third page.</li><li>If you would go to the third page.</li><li>A. (Complies).</li></ul>
17 18 19 20 21	MR. THOMAS: Fred, if I could, let me have my letter back. I wanted you to inspect that document you produced to me.  MR. GRAY, JR.: All right.  MR. THOMAS: Just to get you	17 18 19 20 21	<ul><li>Q. And on the and the third page.</li><li>If you would go to the third page.</li><li>A. (Complies).</li><li>Q. In the upper, right-hand corner</li></ul>
17 18 19 20	MR. THOMAS: Fred, if I could, let me have my letter back. I wanted you to inspect that document you produced to me.  MR. GRAY, JR.: All right.	17 18 19 20	<ul><li>Q. And on the and the third page.</li><li>If you would go to the third page.</li><li>A. (Complies).</li></ul>

		Page 105	Page 107
1	A. Yes.	1	MR. GRAY, JR.: Let me just say
2	Q. And it basically identifies that		about any investigation that the sheriff and his
3	the bingo games will be operated at t	ł	office did, they would be confidential and kept
4	following location, and it says Macon	\$	in – they'd be maintained by the sheriff's
5	Greyhound Park, doing business as		department and not subject to any production in
6	8680 County Road 40, Shorter, Alaba	- 3	this case.
7	that correct?	7	Not just with respect to this
8	A. Yes, sir.	8	particular entity, but any of the Class B
9	Q. And that's your signature the	at 9	license holders.
10	appears at the bottom?	10	MR. GRASSO: I would disagree with
11	A. Yes, it is.	11	that. Maybe portions of it could be privileged.
12	Q. Now, my question to you -	and 12	You'd have to produce a privilege log so
13	maybe you could help me right und	ler the 13	stating. But the mere existence of those
14	license number is the word Class B;	is that 14	documents is certainly not privileged.
15	correct?	15	MR. THOMAS: And I would want to
16	A. Yes, sir.	16	add to that as a part of his rules he says that
17	<ul> <li>Q. So, this is a Class B license</li> </ul>	? 17	he will do an investigation to make sure that
18	A. Yes, it is.	18	they're in compliance.
19	Q. And the date of this being is	sued 19	MR. GRAY, JR.: Right.
20	is December 17th, 2003?	20	MR. THOMAS: So, I think at the
21	A. Yes, sir.	21	very least he ought to have in his record some
22	Q. So, as a follow-up to our ea	1	statement saying they are in compliance, and I
23	discussions regarding the rules and	regulations 23	don't think that's confidential.
		j	
		Page 106	Page 108
1	for the licensing and operation of bingo		Page 108  Q. And, again, my question to you,
1 2	for the licensing and operation of bingo in Macon County that you promulgated	games 1	_
1	_	games 1	Q. And, again, my question to you,
2	in Macon County that you promulgated on December 5th, 2003, right A. Yes.	games 1 and issued 2	Q. And, again, my question to you, sheriff, would you have such records, documents in your office confirming that you have investigated or conducted the investigation that
2 3	in Macon County that you promulgated on December 5th, 2003, right	games 1 and issued 2 3	Q. And, again, my question to you, sheriff, would you have such records, documents in your office confirming that you have investigated or conducted the investigation that you had set forth in your rules and your finding
2 3 4	in Macon County that you promulgated on December 5th, 2003, right A. Yes.	games 1 and issued 2 3 4 5	Q. And, again, my question to you, sheriff, would you have such records, documents in your office confirming that you have investigated or conducted the investigation that
2 3 4 5	in Macon County that you promulgated on December 5th, 2003, right A. Yes. Q that license there would	games 1 and issued 2 3 4 5	Q. And, again, my question to you, sheriff, would you have such records, documents in your office confirming that you have investigated or conducted the investigation that you had set forth in your rules and your finding that they were in compliance?  A. Yes.
2 3 4 5 6	in Macon County that you promulgated on December 5th, 2003, right A. Yes. Q. — that license there would indicate that you issued it on December 2003; is that correct? A. Yes, sir.	games 1 2 3 4 5 6 7 8	Q. And, again, my question to you, sheriff, would you have such records, documents in your office confirming that you have investigated or conducted the investigation that you had set forth in your rules and your finding that they were in compliance?  A. Yes.  Q. And my question now to you, would
2 3 4 5 6 7 8 9	in Macon County that you promulgated on December 5th, 2003, right — A. Yes. Q. — that license there would indicate that you issued it on December 2003; is that correct? A. Yes, sir. Q. Some 12 days after your rules.	games 1 2 3 4 5 5 7 17th, 6 7 8 s had 9	Q. And, again, my question to you, sheriff, would you have such records, documents in your office confirming that you have investigated or conducted the investigation that you had set forth in your rules and your finding that they were in compliance?  A. Yes.  Q. And my question now to you, would you have any objection to producing those
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	Page 109		Page 111
1	investigation took place or how it was	1	MR, GRAY: But he's testified that
2	conducted. But as far as those records	2	there's been an investigation.
3	themselves, I think it's privileged.	3	Q. (By Mr. Thomas) Well, let me ask
4	MR. THOMAS: Well, let me ask you	4	this question. For the licenses you have issued
5	this. Could we get some confirmation from him	5	and I think some 62 have been produced.
6	that he did conduct the investigation that's a	6	A. Yes, sir.
7	part of his rules, and he made the finding that	7	Q. For these 62 licenses that you've
8	they were in compliance?	8	issued, did you conduct investigations?
9	MR. GRAY: The confirmation of that	9	A. Yes.
10	is he issued the license because if he didn't	10	Q. Okay. And the results of those
11	if his investigation would have shown that they	11	investigations are housed in your department?
12	did not comply with the rules, he would not have	12	A. Yes.
13	issued it.	13	Q. Okay. Got you.
14	So, the fact that he issued the	14	MR. THOMAS: All right. Would
15	license means he conducted an investigation; and	15	you-all object to an in-camera inspection?
16	as a result of the investigation, he found them	16	MR. GRAY, JR.: Yes.
17	to be in compliance.	17	MR. THOMAS: Well, we have a
18	But if you want to ask him anything	18	description of the documents we want. So, we
19	about that, I think he'll testify about that.	19	can move on.
20	MR. THOMAS: Well, let me ask	20	Q. Sheriff, if I may, do you recall
21	MR. GRASSO: With all due respect	21	anything in particular about any investigation
22	to you, Mr. Gray, there are secular reasons. We	22	you may have conducted relating to the Tuskegee
23	need corroboration that he did what he said he	23	Human & Civil Rights & Multicultural Center?
	Page 110		Page 112
1	was going to do.	1	Do you recall anything offhand?
2	MR. THOMAS: Well, let me just see	2	<ul> <li>A. All of the applications for Class B</li> </ul>
3	if we can just document for future efforts and	3	licenses, we follow the what is set in the
4	whatever anybody wants to do.	4	rules and regulations without exception.
5	MR GRAY: Yeah.	5	Q. Got you. Now
6	Q. (By Mr. Thomas) Sheriff, you do	6	MR. THOMAS: I'm sorry. I will now
7	have those investigations on file in your	7	ask that this be made a part of his deposition,
8	office; am I correct?	8	Plaintiffs' Exhibit 3, the license.
9	<ul> <li>A. We keep the the licenses are</li> </ul>	9	MR. GRAY, JR.: No objection.
10	results of the investigations themselves. In	10	MR. THOMAS: And I'm going to have
11	that - in that file are all - in those files	11	the court reporter to mark this as Plaintiffs'
12	are all of the pertinent information that you	12	Exhibit 4.
13	would need to determine whether an entity	13	(Whereupon, said document was
14	•	14	marked for identification as
15	· · · · · · · · · · · · · · · · · · ·	15	Plaintiff's Exhibit No. 4 to the
16		16	deposition of David M. Warren.)
17		17	Q. Now, sheriff, if you would, take a
18	•	18	look at Plaintiffs' Exhibit 4, and I would ask
19		19	you to take your time, review it and after
20		20	you've finished that, let me know if you can
21		21	identify this document.
22		22	MR. GRAY, JR.: You want him to
23	that.	23	take his time and review the document in its

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	Page 113		Page 115
1	entirety or just review it to determine whether	1	definitions section nothing really well,
2	or not it appears to be what it says on the	2	let's see. There were a few changes. So, let's
3	front page?	3	just go over them. Okay.
4	Q. (By Mr. Thomas) Why don't you do	4	I direct your attention to (j),
5	the latter? Why don't you review it to see if	5	which is again qualified location for holder of
6	it purports to be what is on first page.	6	a Class B license.
7	A. Yes, sir.	7	MR. GRAY, JR.: What page and what
8	Q. And then we'll go over it. Okay?	8	section?
9	A. Yes, sir.	9	MR. THOMAS: That is going to be on
10	Q. Now, sheriff, if I may, this	10	the second page, Mr. Gray, and it's going to be
11	document here, the last page, 12. Not the	11	a part I guess of Section One, definitions.
12	commentary, but the page before that, 12.	12	MR. GRAY, JR.: All right. Do you
13	A. Yes, sir.	13	want him to also well, go ahead.
14	Q. It bears the date of June 2nd,	14	MR. GRAY: That's (f) you're
15	2004?	15	saying?
16	A. Yes, sir.	16	MR. THOMAS: It's (j).
17	Q. And that's your signature, right?	17	MR. GRAY, JR.: (j).
18	A. Yes, it is.	18	MR. THOMAS: H, I, J. Qualified
19	Q. And it talks about the effective	19	location.
20	date of this first amended and restated rules	20	THE WITNESS: Yes, sir.
21	and regulations for the licensing and operation	21	Q. (By Mr. Thomas) If you have that
22	of bingo games in Macon County, Alabama was June	22	before you, sheriff, it appears that the public
23	2nd, 2004, right?	23	liability insurance remained the same as an
	Page 114		Page 116
1	A. Yes, sir.	1	amount not less than \$5 million; is that
2	Q. Give or take a couple of days, this	2	correct?
3	amendment comes some six months after you passed	3	A. Yes, sir.
4	the initial rules and regulations for the	4	Q. And in (ii) the liquor liability
5	licensing and operation of bingo games in Macon	5	insurance, if served, remained at \$1 million?
6	County?	6	A. Yes, sir.
7	A. Yes, sir.	7	MR. GRAY, JR.: Let me do this, if
8	Q. What, if anything, transpired in	8	I can, Mr. Thomas, because I hear the sheriff
9	those six months that led you to amend rules	9	saying this in responding to you, but to be
10	that you had just issued earlier?	10	sure, can we also pull Plaintiffs' Exhibit 2,
11	A. There is a commentary to all of the	11	the original rules?
12	changes were made.	12	MR. THOMAS: He's free to refer to
13	Q. Do you have any key points in mind	13	anything he needs to. There's Exhibit 2 for his
14	that stick out in your mind as to what led to	14	convenience.
15	the amendments?	15	MR. GRAY, JR.: All right.
16	A. Again, they are all of the reasons	16	MR. GRAY: And what I would like
17	that are discussed in the commentary.	17	for you to do, too, sheriff, go over to your
18	Q. If you would, let's go to the	18	commentary and look at Section 1(j), and this
19	document, Plaintiffs' Exhibit 4, and I think the	19	tells you what changes were made in 1(j).
20	initial page says Macon County bingo	20	So, take a look at that as you
21	regulations.	21	prepare yourself to answer his questions.
		100	O (Py Mr. Thomas) Shoriff if I may
22	A. Yes, sir.	22	Q. (By Mr. Thomas) Sheriff, if I may

29 (Pages 113 to 116)

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. 4	rules and regulations, aren't you?	1	MR. THOMAS: Okay. Well, just let
1	A. Yes, sir.	2	him take his time. I think, counsel, you ought
2	Q. And these documents were not	3	not to participate with yours. That's why we
3	prepared in any rush or haste by you or	4	got him a clean copy. Because you didn't want
4 5	anything?	5	to see what I had highlighted, did you?
6	A. No, sir.	6	MR. GRAY, JR.: No. The reason
7	Q. I'm assuming that because of their	7	I didn't mind him seeing it. As a matter of
8	importance you're quite familiar with them; is	8	fact, I don't know what you had there, but I -
9	that a fair assessment?	9	MR. THOMAS: He has a clean copy,
10	A. Yes, sir.	10	and he can see it good.
11	Q. Again, based on what your attorneys	11	Q. You've got it before you, sheriff?
12	have suggested to you, I'll proceed. Now -	12	A. Yes, I've got it. Uh-huh
13	MR. GRAY: I'd like for you first,	13	(affirmative).
14	though, read section 1(j) to yourself and then	14	Q. You ready?
15	keep that in mind as you answer counsel's	15	A. Yes.
16	questions, whatever he wants to ask you about	16	Q. Now, sheriff, this is 1(j),
17	that because that's the change in that	17	qualified location, and we had done and I
18	particular section.	18	think we had identified that no changes had been
19	Q. (By Mr. Thomas) You can just look	19	made to public liability insurance. It still
20	up when you're finished, sheriff, and I'll	20	remained at \$5 million.
21	start.	21	And if liquor is served, the liquor
22	A. Yes, sir.	22	liability insurance remained at \$1 million; is
23	Q. Okay. I thought we had a clean	23	that correct?
	Page 118		Page 120
İ	. Page 116		Fage 120
1		1	A. Uh-huh (affirmative).
1 2	copy there. Which one are you looking at, the	1 2	
1		1	<ul><li>A. Uh-huh (affirmative).</li><li>Q. You have to answer.</li><li>A. Yes, sir.</li></ul>
2	copy there. Which one are you looking at, the one I gave you, or the one your lawyer gave you,	2	<ul><li>A. Uh-huh (affirmative).</li><li>Q. You have to answer.</li><li>A. Yes, sir.</li><li>Q. Then as we move over to Page 4, the</li></ul>
2 3	copy there. Which one are you looking at, the one I gave you, or the one your lawyer gave you, sheriff?	2 3	<ul> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Yes, sir.</li> <li>Q. Then as we move over to Page 4, the cash or surety bond remained at \$1 million?</li> </ul>
2 3 4	copy there. Which one are you looking at, the one I gave you, or the one your lawyer gave you, sheriff?  A. Oh, I'm looking at	2 3 4	<ul> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Yes, sir.</li> <li>Q. Then as we move over to Page 4, the cash or surety bond remained at \$1 million?</li> <li>A. Yes, sir.</li> </ul>
2 3 4 5	copy there. Which one are you looking at, the one I gave you, or the one your lawyer gave you, sheriff?  A. Oh, I'm looking at Q. I gave you one for your	2 3 4 5	<ul> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Yes, sir.</li> <li>Q. Then as we move over to Page 4, the cash or surety bond remained at \$1 million?</li> <li>A. Yes, sir.</li> <li>Q. And moving a little forward to</li> </ul>
2 3 4 5 6	copy there. Which one are you looking at, the one I gave you, or the one your lawyer gave you, sheriff?  A. Oh, I'm looking at — Q. I gave you one for your convenience.	2 3 4 5 6	<ul> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Yes, sir.</li> <li>Q. Then as we move over to Page 4, the cash or surety bond remained at \$1 million?</li> <li>A. Yes, sir.</li> <li>Q. And moving a little forward to</li> <li>Section (viii), satisfactory evidence that the</li> </ul>
2 3 4 5 6 7	copy there. Which one are you looking at, the one I gave you, or the one your lawyer gave you, sheriff?  A. Oh, I'm looking at Q. I gave you one for your convenience. A Exhibit 4.	2 3 4 5 6 7	A. Uh-huh (affirmative). Q. You have to answer. A. Yes, sir. Q. Then as we move over to Page 4, the cash or surety bond remained at \$1 million? A. Yes, sir. Q. And moving a little forward to Section (viii), satisfactory evidence that the owner or owners of the location paid at least
2 3 4 5 6 7 8	copy there. Which one are you looking at, the one I gave you, or the one your lawyer gave you, sheriff?  A. Oh, I'm looking at Q. I gave you one for your convenience. A Exhibit 4. Q. Right. And sheriff, if I may, I	2 3 4 5 6 7 8	<ul> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Yes, sir.</li> <li>Q. Then as we move over to Page 4, the cash or surety bond remained at \$1 million?</li> <li>A. Yes, sir.</li> <li>Q. And moving a little forward to</li> <li>Section (viii), satisfactory evidence that the owner or owners of the location paid at least</li> <li>\$15 million for the land, building and other</li> </ul>
2 3 4 5 6 7 8 9	copy there. Which one are you looking at, the one I gave you, or the one your lawyer gave you, sheriff?  A. Oh, I'm looking at Q. I gave you one for your convenience. A Exhibit 4. Q. Right. And sheriff, if I may, I have what we previously introduced as	2 3 4 5 6 7 8 9	<ul> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Yes, sir.</li> <li>Q. Then as we move over to Page 4, the cash or surety bond remained at \$1 million?</li> <li>A. Yes, sir.</li> <li>Q. And moving a little forward to</li> <li>Section (viii), satisfactory evidence that the owner or owners of the location paid at least</li> <li>\$15 million for the land, building and other capital improvements (before depreciation)</li> </ul>
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	copy there. Which one are you looking at, the one I gave you, or the one your lawyer gave you, sheriff?  A. Oh, I'm looking at Q. I gave you one for your convenience. A Exhibit 4. Q. Right. And sheriff, if I may, I have what we previously introduced as Plaintiffs' Exhibit 2 for your convenience.  Okay? A. Yes, sir. Q. And you've been told by your counsel that you can refer to the commentary, right? A. Yes, sir. Q. And you have a clean copy in front of you, right? A. Yes. Q. So, you really don't need to see any other copies, do you?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Uh-huh (affirmative). Q. You have to answer. A. Yes, sir. Q. Then as we move over to Page 4, the cash or surety bond remained at \$1 million? A. Yes, sir. Q. And moving a little forward to Section (viii), satisfactory evidence that the owner or owners of the location paid at least \$15 million for the land, building and other capital improvements (before depreciation) comprising said location. Do you see that? A. Yes. Q. Sheriff, why did this amount increase from \$5 million to \$15 million in a period of six months? A. As stated in the commentary, this would — any persons doing — conducting bingo in Macon County, any qualified location, this would — this would — this would deal with — make sure that they made a significant

30 (Pages 117 to 120)

Also, a – not only an investment, but a commitment to Macon County, you know, before they became a qualified location. Q. Now, sheriff; those were the same criteria that you considered seven months earlier in November of '03 through December of '03 when you were formutating your first rules. You said that you wanted to make sure that there was something more than to trailers, and you wanted a substantial investment, right? A. Yes. Q. And I think at that time, six or seven months earlier, \$5 million was substantial in your opinion; is that correct? A. At that time in my opinion it was. Q. Six or seven months sater it triples. And my question to you is what caused the – what considerations caused you to triple the requirement in less than a six or seven-month period of time? A. Reality, Q. And what were those realities?  Page 122  A. Anybody – knowing Macon County's history, anybody choosing to do – to have a qualified location in Macon County would prove their commitment to Macon County by making a substantial financial investment in Macon County.  A. Piy-b-nighters. Q. And what were some of the fly-by-nighters you experienced? A. Just the way I have seen things go in past time. Q. Wall, lel's talk about this. The qualified location as we've shown from this exhibit, Plaintiffs Exhibit 3, where you granted the license to the Tuskegee Human & Civil Rights & Multicultural Center — They were the license holder, gift?  A. White the complex there are gift by our erificial captive the security of the history of the his		Page 121		Page 123
but a commitment to Macon County, you know, she lefer they became a qualified location.  Q. Now, sheffi, those were the same criteria that you considered seven months earlier in November of '03 through December of '03 when you were formulating your first rules. You said that you wanted to make sure that there was something more than trailers, and you wanted a substantial investment, right?  A. Yes.  A. And I think at that time, six or seven months earlier, \$5 million was substantial in your opinion; is that correct?  A. At that time in my opinion it was.  C. Six or seven months later it triples. And my question to you is what caused the requirement in less than a six or seven-month period of time?  A. Reality.  A. Reality.  A. Anybody – knowing Macon County's history, anybody choosing to do – to have a qualified location in Macon County would prove their commitment to Macon County by making a substantial financial investment in Macon County that reigned most important in your mind?  A. Fily-by-nighters.  A. Just the way I have seen things go in partial the push correct?  A. Just the way I have seen things go in partial the license to the Tuskegee Human & Civil Rights & Multicultural Center — They were the license holder, right?	4		1	Q. And they were given and told you
before they became a qualified location.  Q. Now, sheriff, those were the same criteria that you considered seven months earlier in November of '03 through December of '03 when you were formulating your first rules. You said that you wanted to make sure that there was something more than trailers, and you wanted a substantial investment, right?  A. Yes. Q. And I think at that time, six or seven months earlier, \$5 million was substantial in your opinion; is that correct? A. A that time in my opinion it was. Q. Six or seven months later it triples. And my question to you Is what caused the —what considerations caused you to triple the requirement in less than a six or 22 seven-month period of time?  A. A Anybody – knowing Macon County's history, anybody choosing to do – to have a qualified location in Macon County would prove their commitment to Macon County by making a substantial financial investment in Macon County that reigned most important in your mind? A. Fly-by-nighters. Q. And what were some of the fly-by-nighters you experienced? A. Just lew way I have seen things go in past time. A. Just lhe way I have seen things go granted the license to the Tuskegee Human & Civil Rights and the plantified location as we've shown from this exhibit, Plaintiffs' Exhibit 3, where you granted the license to the Tuskegee Human & Civil Rights & Multicultural Center — They were the license holder, 22 right?				
4 as VictoryLand, right?  5 criteria that you considered seven months earlier in November of '03 when you were formulating your first rules.  8 You said that you wanted to make sure that there was something more than trailers, and you wanted a substantial investment, right?  10 A Yes.  11 investment, right?  12 A Yes.  13 Q And I think at that time, six or seven months earlier, \$5 million was substantial in your opinion; is that correct?  16 A A that time in my opinion it was.  17 Q Six or seven months later it triples. And my question to you is what caused 19 the – what considerations caused you to triple 20 the requirement in less than a six or seven-month period of time?  17 A Reality.  18 Q And what were those realities?  19 A A Anybody – knowing Macon County's history, anybody choosing to do – to have a quelified location in Macon County by making a substantial financial investment in Macon County that reigned most important in your mind?  19 A Fly-by-nighters.  Q And what were some of the fly-by-nighters you experienced?  A Just over lime.  Q A Well, let's talk about this. The qualified location as we've shown from this exhibit, Plaintiffs' Exhibit 3, where you grarted the license to the Tuskegee Human & Civil Rights & Multicultural Center — They were he license holder, and the Macon County of Sandon Coun				
5 criteria that you considered seven months 6 earlier in November of '03 through December of 7 03 when you were formulating your first rules. 8 You said that you wanted to make 9 sure that there was something more than 1 trailers, and you wanted a substantial 1 investment, right? 1 A. Yes. 2 A. Yes. 3 Q. And I think at that time, six or 14 seven months earlier, \$5 million was substantial 15 in your opinion; is that correct? 16 A. At that time in my opinion it was. 17 Q. Six or seven months later it 18 triples. And my question to you is what caused the — what considerations caused you to triple the requirement in less than a six or 19 seven-month period of time? 20 A. Reality. 21 A. Anybody – knowing Macon County's history, anybody choosing to do – to have a qualified location in Macon County would prove their commitment to Macon County by making a substantial financial investment in Macon County 2 history, anybody choosing to do – to have a qualified location in Macon County would prove their commitment to Macon County by making a substantial financial investment in Macon County 3 The Wirn Tuskegee Human & Crivil Rights & Multicultural Center vas issued its license on December to June when you awanted to make a gain, 13 d. Just over time. 10 Q. Well, let's talk about this. The qualified location as we've shown from this exhibit, Plaintiff's Exhibit 3, where you grarded the license to the Tuskegee Human & Crivil Rights & Multicultural Center vas issued its license on December of 103, which enabled Tuskegee Human & Crivil Rights & Multicultural Center was issued its license on December of 103, which enabled Tuskege Human & Crivil Rights & Multicultural Center was issued its license on December of 103, which enabled Tuskege Human & Crivil Rights & Multicultural Center was issued its license on December 103, when Tuskegee Human & Crivil Rights & Multicultural Center was issued its license on December 103, when Tuskegee Human & Crivil Rights & Multicultural Center was issued its license on December 103, when Tuskege			4	<b>1</b> ℃
6 earlier in November of '03 through December of '7 '03 when you were formulating your first rules. S You said that you wanted to make 9 sure that there was something more than 10 trailers, and you wanted a substantial 11 investment, right?	t		5	
7 03 when you were formulating your first rules. 8 You said that you wanted to make sure that there was something more than trailers, and you wanted a substantial investment, right? 10 A. Yes. 11 A. Yes. 12 A. Yes. 13 Q. And I think at that time, six or seven months earlier, \$5 million was substantial in your opinion; is that correct? 16 A. At that time in my opinion it was. 17 Q. Six or seven months later it triples. And my question to you is what caused the — what considerations caused you to triple the requirement in less than a six or seven-month period of time? 10 Expenditural Center to conduct bingo there, right? 11 A. Anybody – knowing Macon County's history, anybody choosing to do – to have a qualified location in Macon County by making a substantial financial investment in Macon County that reigned most important in your mind? 17 Q. What is the history of Macon County that reigned most important in your mind? 18 that reigned most important in your mind? 19 A. Fly-by-nighters you experienced? 10 Q. Mell, let's talk about this. The qualified location as we've shown from this exhibit, Plaintiffs' Exhibit 3, where you granted the license to the Tuskegee Human & Civil Rights & Multicultural Center was issued its license on December 17, 2003, they identified for you that the bingo games would be operated at the following location: Macon County Greyound Park, doing business as VictoryLand, since their existence, is there would to be betwee that they were a fly-by-nighter?  10 A. At that time in my opinion it was. 11 A. No. 12 Q. They were considered — and, again, "they," Macon County Greyound Park, doing business so VictoryLand, since their existence, is there as VictoryLand, since their existence, is there as VictoryLand, since their existence, is their their story hich led you to be believe that they were a fly-by-nighter?  14 A. A that time in my opinion; is that correct? 15 A. And my question to you is what caused the Multicultural Center to conduct by Multicultural Center to conduct by Multicultural Cent			6	Q. Is there anything in the history of
8 you said that you wanted to make 9 sure that there was something more than trailers, and you wanted a substantial investment, right?  10 A. Yes.  11 (A. No.)  12 A. No.  13 Q. And I think at that time, six or seven months earlier, \$5 million was substantial in your opinion; is that correct?  14 A. At that time in my opinion it was.  15 (D. Six or seven months later it triples. And my question to you is what caused the — what considerations caused you to triple the requirement in less than a six or seven-month period of time?  12 A. Reality.  13 Q. And what were those realities?  14 A. Anybody – knowing Macon County's history, anybody choosing to do — to have a qualified location in Macon County would prove their commitment to Macon County what the reigned most important in your mind?  15 A. Fly-by-nighters.  16 Q. What is the history of Macon County that reigned most important in your mind?  17 A. Fly-by-nighters.  18 (D. What is the history of Macon County that reigned most important in your mind?  29 A. Fly-by-nighters or experienced?  20 A. Just the way I have seen things go in past time.  21 (D. They were a fly-by-nighter?  22 A. At that time, six or sevileve, the device them, six or serving the subsiness as VictoryLand, was a qualified business as VictoryLand, as VictoryLand, was a qualified business as VictoryLand, was	ŧ		7	the Macon County Greyhound Park, doing business
9 sure that there was something more than 10 trailers, and you wanted a substantial 11 investment, right? 12 A. Yes. 13 Q. And I think at that time, six or 14 seven months earlier, \$5 million was substantial 15 in your opinion; is that correct? 16 A. At that time in my opinion it was. 17 Q. Six or seven months later it 18 triples. And my question to you is what caused 19 the — what considerations caused you to triple 20 the requirement in less than a six or 21 seven-month period of time? 22 A. Reality. 23 Q. And what were those realities? 24 A. Anybody – knowing Macon County's 25 history, anybody choosing to do — to have a 26 qualified location in Macon County would prove 27 their commitment to Macon County was unlifed location in Macon County by making a 28 substantial financial investment in Macon 29 County. 20 Q. What is the history of Macon County 21 that reigned most important in your mind? 22 A. Fly-by-nighters. 23 Q. Identify some. 24 A. Just the way I have seen things go 25 in past time. 26 Q. Well, let's talk about this. The 27 qualified location as we've shown from this 28 exhibit, Plaintiff's Exhibit 3, where you 29 granted the license to the Tuskegee Human & 20 Civil Rights & Multicultural Center — 20 Lore were realities? 21 A. No. 22 Q. They were considered — and, again, 23 "they," Macon County Greyound Park, doing business as VictoryLand, was a qualified business as VictoryLand, was a qualified business as VictoryLand, was a qualified business as VictoryLand, and, again, 26 Q. So, in six months — that seven-month period form December of '03, which business as VictoryLand, was a qualified business as VictoryLand, was a qualified business as VictoryLand, as a qualified business as Vict	1		8	as VictoryLand, since their existence, is there
trailers, and you wanted a substantial investment, right?  A. Yes.  Q. And I think at that time, six or seven months earlier, \$5 million was substantial in your opinion; is that correct?  A. At that time in my opinion it was.  Q. Six or seven months later it triples. And my question to you is what caused the requirement in less than a six or seven-month period of time?  A. Reality.  A. Anybody – knowing Macon County's history, anybody choosing to do – to have a qualified location in Macon County by making a substantial financial investment in Macon County.  A. Alva that time in my opinion it was. Q. Six or seven months later it triples. And my question to you is what caused the requirement in less than a six or seven-month period of time?  A. Reality.  Page 122  1 A. Anybody – knowing Macon County's history, anybody choosing to do – to have a qualified location in Macon County would prove their commitment to Macon County would prove their commitment to Macon County was conducting isself at least satisfactorily?  A. Fly-by-nighters. Q. And what were some of the fly-by-nighters you experienced? A. Just the way I have seen things go in past time. Q. What is stalk about this. The qualified location as we've shown from this exhibit, Plaintiffs Exhibit 3, where you granted the license to the Tuskegee Human & Civil Rights & Multicultural Center was issued its license on December 17, 2003, they identified for you that the bingo games would be operated at the following location: Macon County Greyhound Park, doing business as VictoryLand, 8e80 County was conducting business as VictoryLand, 8e80 County was conducting to business as VictoryLand, 8e80 County was conducting business as VictoryLand, 8e80 County was conducting to business as VictoryLand, 8e80 County was prictory. Multicultural Center was a VictoryLand, 8e80 County was prictory. A No. Sure.  Macon County was conducting —  Macon County was			9	anything in their history which led you to
11 investment, right? 12 A. Yes. 3 Q. And I think at that time, six or 4 seven months earlier, \$5 million was substantial 15 in your opinion; is that correct? 16 A. At that time in my opinion it was. 7 Q. Six or seven months later it 18 triples. And my question to you is what caused 19 the — what considerations caused you to triple 20 the requirement in less than a six or 21 seven-month period of time? 22 A. Reality. 23 Q. And what were those realities? 24 A. Reality. 25 A. Anybody – knowing Macon County's 26 history, anybody choosing to do – to have a 27 qualified location in Macon County would prove 28 their commitment to Macon County by making a 29 substantial financial investment in Macon 29 A. Fly-by-nighters. 20 Q. What is the history of Macon County 30 that reigned most important in your mind? 31 minus. Let me ask you this. 32 when Tuskegee Human & Civil Rights 33 withey, "Macon County Greyound Park, doing 4 business as VictoryLand, was a qualified 5 business as VictoryLand, was a qualified 6 business location in December of '03, which 6 enabled Tuskegee Human & Civil Rights 7 whititual Center was a was full business as VictoryLand, was a qualified business as VictoryLan	ŀ		10	believe that they were a fly-by-nighter?
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23 A. Yes.	14 15 16 17 18 19 20 21	in past time.  Q. Well, let's talk about this. The qualified location as we've shown from this exhibit, Plaintiffs' Exhibit 3, where you granted the license to the Tuskegee Human & Civil Rights & Multicultural Center —  They were the license holder,	15 16 17 18 19 20 21	following location: Macon County Greyhound Park, doing business as VictoryLand, 8680 County Road 40, Shorter Alabama 36075, right? A. Uh-huh (affirmative). Q. You were very familiar based on earlier testimony, both in your official capacity as sheriff and otherwise, you had

	Court Reporting Legal Vil		graphy Thai dervices
	Page 125		Page 127
1	A. Uh-huh (affirmative).	1	Q. That's under your amendment, right?
2	Q. Right?	2	A. Yes.
3	A. Uh-huh (affirmative).	3	Q. And my question to you: Why did
4	Q. You have to answer.	4	you increase the amount from \$5 million as you
5	A. Yes.	5	had done in your first rules in December of '03
6	Q. And I'll ask you, when you granted	6	to \$15 million seven months later in June of
7	the license to Tuskegee Human & Civil Rights &	7	'04?
8	Multicultural Center, did you have any issues or	8	A. As I looked at things and gained
9	concerns with the qualified business location	9	more experience, it was a more realistic amount.
10		10	Q. Well, let me see if I can ask it
11		11	this way.
12	Q. Did you consider as sheriff that	12	Macon County Greyhound Park, doing
13	·	13	business as VictoryLand, was not reviewed or
14		14	assessed by you to have been an actual
15		15	investment of \$15 million at that time, was it?
16		16	<ol> <li>I don't understand your question.</li> </ol>
17	A. Yes.	17	Q. Okay. Let me see if I can get it
18	Q. Did anything change in your mind	18	this way. VictoryLand if I may just shorten
19		19	to refer to it as that?
20	February, March, April, May, June and July of	20	A. Uh-huh (affirmative).
21		21	<ul> <li>Q. VictoryLand could continue to be a</li> </ul>
22	A. There was an increase in	22	qualified location for a Class B bingo license
23	attendance, an increase in participation, more	23	without being affected by the increase of \$15
	Page 126	<b></b>	Page 128
1		1	million; isn't that a fact?
1	, ,	2	A. Uh-huh (affirmative).
2		3	Q. So, again, with the issuance of
3		4	that license to Tuskegee Human Civil Rights &
4		5	Multicultural Center as the license holder for
5		6	the Class B license, right?
7		7	A. Uh-huh (affirmative).
		8	Q. And it identifying as a qualified
8		9	location VictoryLand
10		10	A. Yes.
11		11	Q. — who got its certification from
12		12	
1:	_	13	
1/1/		14	
1	·	15	
10		16	
1		17	
1:	_	18	
1	and the second s	19	
2	•	20	
2		21	· ·
2	•	22	
1 -		1	

32 (Pages 125 to 128)

23 Hold on one second. Let me just see if I can

A. Yes, sir.

	Page 129		Page 131
1	find do you know let me ask you this.	1	investigation to find out if VictoryLand
2	In May of 2004, do you know whether	2	Q. Yeah.
3	or not VictoryLand had cost \$15 million? In May	3	A was worth at least \$5 million?
4	of 2004.	4	Q. Yes.
5	A. Did I know that VictoryLand was	5	A. That was yes, I did.
6	worth	6	Q. Okay. And describe for the Court
7	Q. Fifteen million.	7	what you did to determine that VictoryLand was a
8	A \$15 million?	8	qualified location as a part of this Tuskegee
9	Q. Yes.	9	Human & Civil Rights & Multicultural Center
10	A. Yes.	10	application.
11	Q. It was worth \$15 million?	11	A. It met the requirements of the
12	A. I don't understand what you're	12	rules and regulations.
13	asking me.	13	Q. Of \$5 million?
14	Q. Well, let me try it again. In	14	A. It's fairly evident that
15	December of '03 you said all qualified locations	15	VictoryLand is worth \$5 million.
16	had to present to you satisfactory evidence that	16	<ul> <li>Q. What do you have in your records to</li> </ul>
17	the owners paid least \$5 million for the land,	17	confirm that in December of '03 VictoryLand
18	building and other capital improvements; is that	18	actually cost \$5 million, at least \$5 million?
19	correct?	19	<ul> <li>A. (No verbal response).</li> </ul>
20	A. Right.	20	<ul> <li>Q. Let me see if I can return you back</li> </ul>
21	Q. If that was produced to you, then	21	to your rules. Okay? This is Plaintiffs
22	that location became a qualified location,	22	Exhibit 2.
23	right?	23	A. Uh-huh (affirmative).
	Page 130		Page 132
1	A. Right.	1	Q. And this is the one you probably
2	Q. Okay. And I'm assuming since	2	need to look at. It says qualified location,
3	VictoryLand had been identified as a qualified	3	the owners must have paid at least \$5 million.
4	location, did you do any investigation of it in	4	A. Uh-huh (affirmative).
5	December of 2003 to determine whether or not it	5	Q. Okay. You apparently got an
6	had cost \$5 million?	6	application from the Tuskegee Human & Civil
7	A. Yes.	7	Rights & Multicultural Center for the Class B
8	Q. Well, let me just return you back	8	license because you issued one on December 17th
9	to Plaintiffs' Exhibit No. 3. When you got the	9	A. Yes.
10	application	10	Q. I can safely assume they did apply?
11	And I'm assuming that Tuskegee	11	A. Yes.
12	Human & Civil Rights & Multicultural Center	12	Q. And on that application, as you've
13	applied for a Class B license to conduct bingo	13	set forth in the license, they said that they
14	in Macon County?	14	would conduct their business at VictoryLand?
15	A. Yes.	15	A. Yes.
16	Q. It then identified VictoryLand as a	16	Q. Now, my question to you: What did
17	qualified location?	17	you do to confirm that VictoryLand in December
18	A. Yes.	18	of '03 had the owners of it had paid \$5
19		19	million?
20		20	<ul> <li>A. I can't remember doing anything per</li> </ul>
21	formal form or manner that VictoryLand cost at	21	se. I made some inquiries, but nothing formal.
1		22	Q. To whom did you make inquiries?
22			

	D 400		Page 135
	Page 133		Page 135
1	I'm not sure about who I made inquiries to on	1	MR. GRAY, JR.: That's number four
2	that end.	2	on the wish list?
3	Q. Let me see if I understand this.	3	MR. THOMAS: Three. We're going to
4	On November 4th, 2003, the Alabama Constitution	4	try one more time to get the investigative
5	was amended to allow bingo gaming in Macon	5	reports. Just – you know.
6	County, right?	6	MR. GRAY, JR.: Oh. Your real wish
7	A. Uh-huh (affirmative).	7	list.
8	Q. Right?	8	MR. THOMAS: Well, yeah. We want
9	A. Uh-huh (affirmative).	9	to let the Court know we at least tried to
10	Q. And you were the official charged	10	exhaust it before bringing it before it, you
11	with that responsibility of promulgating rules	11	know.
12	and enforcements to do that?	12	MR. GRAY, JR.: Certainly.
13	A. Yes, yes.	13	Q. (By Mr. Thomas) Sheriff, now, if I
14	Q. And under your first set of rules	14	may I've shown you and you have before you
15	that you issued on December 5, 2003, you said	15	Plaintiffs' Exhibit 4, right?
16	that a qualified location must evidence that the	16	A. Yes.
17	owners of it paid at least \$5 million for it.	17	Q. And we were at (j), qualified
18	A. Oh, okay. I got I got I'm	18	location, and we were at (viii) and we were at
19	just trying to remember. I'm trying to	19	the figure of \$15 million.
20	remember. We got we got evidence from	20	Okay?
21	VictoryLand I believe that confirmed their	21	A. Uh-huh (affirmative).
22	value.	22	Q. Now, anybody who applied for a
23	Q. You used the pronoun "we." Who was	23	license after these rules were put into effect
		1	
	Page 134		Page 136
1	Page 134 the we?	1	Page 136 on June 2nd, 2004, had to meet the
1 2		1 2	<del>-</del>
1	the we?		on June 2nd, 2004, had to meet the
2	the we? You can look right there, sheriff.	2	on June 2nd, 2004, had to meet the qualifications of a nonprofit organization,
2	the we? You can look right there, sheriff. I think it's clear enough.	2	on June 2nd, 2004, had to meet the qualifications of a nonprofit organization, right?
2 3 4	the we? You can look right there, sheriff. I think it's clear enough. A. They met the requirements set out	2 3 4	on June 2nd, 2004, had to meet the qualifications of a nonprofit organization, right?  A. Yes.
2 3 4 5	the we? You can look right there, sheriff. I think it's clear enough. A. They met the requirements set out in the regulations.	2 3 4 5	on June 2nd, 2004, had to meet the qualifications of a nonprofit organization, right?  A. Yes.  Q. And a qualified location where the
2 3 4 5 6	the we? You can look right there, sheriff.  I think it's clear enough. A. They met the requirements set out in the regulations. Q. Sheriff, would you have any	2 3 4 5 6 7	on June 2nd, 2004, had to meet the qualifications of a nonprofit organization, right?  A. Yes.  Q. And a qualified location where the owner or owners of the location paid at least
2 3 4 5 6 7	You can look right there, sheriff.  I think it's clear enough.  A. They met the requirements set out in the regulations.  Q. Sheriff, would you have any objections to producing the confirmation or	2 3 4 5 6 7	on June 2nd, 2004, had to meet the qualifications of a nonprofit organization, right?  A. Yes.  Q. And a qualified location where the owner or owners of the location paid at least \$15 million for the land?
2 3 4 5 6 7 8	the we? You can look right there, sheriff.  I think it's clear enough. A. They met the requirements set out in the regulations. Q. Sheriff, would you have any objections to producing the confirmation or whatever you considered in December of '03 which	2 3 4 5 6 7 8	on June 2nd, 2004, had to meet the qualifications of a nonprofit organization, right?  A. Yes. Q. And a qualified location where the owner or owners of the location paid at least \$15 million for the land? A. Yes.
2 3 4 5 6 7 8 9	You can look right there, sheriff.  I think it's clear enough.  A. They met the requirements set out in the regulations.  Q. Sheriff, would you have any objections to producing the confirmation or whatever you considered in December of '03 which confirmed for you that the owner or owners of	2 3 4 5 6 7 8 9	on June 2nd, 2004, had to meet the qualifications of a nonprofit organization, right?  A. Yes. Q. And a qualified location where the owner or owners of the location paid at least \$15 million for the land?  A. Yes. Q. Now, if I may —
2 3 4 5 6 7 8 9	You can look right there, sheriff.  I think it's clear enough.  A. They met the requirements set out in the regulations.  Q. Sheriff, would you have any objections to producing the confirmation or whatever you considered in December of '03 which confirmed for you that the owner or owners of VictoryLand had paid, per your rules, \$5 million	2 3 4 5 6 7 8 9	on June 2nd, 2004, had to meet the qualifications of a nonprofit organization, right?  A. Yes. Q. And a qualified location where the owner or owners of the location paid at least \$15 million for the land? A. Yes. Q. Now, if I may — MR. GRAY, JR.: When you say land, you mean land, building and other capital improvements?
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2 3 4 5 6 7 8 9 10 11 12	You can look right there, sheriff.  I think it's clear enough.  A. They met the requirements set out in the regulations.  Q. Sheriff, would you have any objections to producing the confirmation or whatever you considered in December of '03 which confirmed for you that the owner or owners of VictoryLand had paid, per your rules, \$5 million for the land, building and other capital improvements?	2 3 4 5 6 7 8 9 10 11 12	on June 2nd, 2004, had to meet the qualifications of a nonprofit organization, right?  A. Yes. Q. And a qualified location where the owner or owners of the location paid at least \$15 million for the land? A. Yes. Q. Now, if I may — MR. GRAY, JR.: When you say land, you mean land, building and other capital improvements?
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	Page 137		Page 139
1	improvements (before depreciation) comprising	1	\$5 million to \$15 million in your rules that you
2	the location.	2	issued on June 2nd, 2004?
3	Q. Is that what you intended, sheriff?	3	A. Okay. Let me be sure of your
4	A. Yes.	4	question.
5	Q. Now, sheriff, let me show you	5	Q. You may recall that I had asked you
6	well, let me show this to counsel first. And I	6	initially why you raised it from \$5 million to
7	just want to before I mark it as an exhibit,	7	\$15 million?
8	I would just like to ask you a question about	8	A. Yes.
9	it.	9	Q. And my notes suggested again you
10	What I'm showing to you are the	10	wanted to make sure that there was a substantial
11	documents that have been presented or produced	11	investment in Macon County.
12	by your attorneys. And, sheriff, I apologize	12	A. Yes, sir.
13	for standing, but	13	Q. Okay. And my
14	A. That's okay.	14	MR. GRAY, JR.: He also said and
15	Q. Thank you. This is a Class B	15	commitment.
16	2005 Class B bingo license that was issued to	16	Q. (By Mr. Thomas) And commitment.
17	the Franklin Volunteer Fire Department, and it	17	And I wanted to make sure. Are there any other
18	has a date of December 2004.	18	criterion that you considered in raising it from
19	Do you see it? December 29th, '04,	19	\$5 to \$15 million?
20	right?	20	A. Those two were main those were
21	A. Uh-huh (affirmative).	21	the main two.
22	Q. And this license here would have	22	Q. Okay. Commitment and investment?
23	been issued after your first amended rules went	23	A. Yes.
	Page 138		Page 140
		ĺ	, ago 170
1	into force and effect, right? Your first	1	Q. All right. Now, how did you
1 2	into force and effect, right? Your first amended rules went	1 2	-
	<del>-</del>	ĺ	Q. All right. Now, how did you
2	amended rules went	2	Q. All right. Now, how did you measure commitment? What was going to be your
2 3	amended rules went A. Yes, this was after.	2	Q. All right. Now, how did you measure commitment? What was going to be your analysis for measuring an applicant on a commitment?  A. Well, by their actions.
2 3 4	amended rules went A. Yes, this was after. Q. Now, sheriff, if I may, it says that the bingo games will be operated at the Macon County Greyhound Park, doing business as	2 3 4	Q. All right. Now, how did you measure commitment? What was going to be your analysis for measuring an applicant on a commitment?  A. Well, by their actions.  Q. What actions?
2 3 4 5	amended rules went A. Yes, this was after. Q. Now, sheriff, if I may, it says that the bingo games will be operated at the Macon County Greyhound Park, doing business as	2 3 4 5	Q. All right. Now, how did you measure commitment? What was going to be your analysis for measuring an applicant on a commitment?  A. Well, by their actions. Q. What actions? A. What was I going to use to —
2 3 4 5 6	amended rules went A. Yes, this was after. Q. Now, sheriff, if I may, it says that the bingo games will be operated at the Macon County Greyhound Park, doing business as	2 3 4 5 6 7 8	Q. All right. Now, how did you measure commitment? What was going to be your analysis for measuring an applicant on a commitment?  A. Well, by their actions. Q. What actions? A. What was I going to use to — Q. Ascertain —
2 3 4 5 6 7 8 9	amended rules went A. Yes, this was after. Q. Now, sheriff, if I may, it says that the bingo games will be operated at the Macon County Greyhound Park, doing business as VictoryLand, at the address we've identified before, right? A. Yes, sir.	2 3 4 5 6 7 8 9	Q. All right. Now, how did you measure commitment? What was going to be your analysis for measuring an applicant on a commitment? A. Well, by their actions. Q. What actions? A. What was I going to use to — Q. Ascertain — A. — measure an applicant —
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2 3 4 5 6 7 8 9 10 11 12 13	amended rules went —  A. Yes, this was after. Q. Now, sheriff, if I may, it says that the bingo games will be operated at the Macon County Greyhound Park, doing business as VictoryLand, at the address we've identified before, right?  A. Yes, sir. Q. Before you issued this license here in December of '04, did you do any investigation or do any confirmation of VictoryLand to confirm for yourself that it was worth — the owners at	2 3 4 5 6 7 8 9 10 11 12 13	Q. All right. Now, how did you measure commitment? What was going to be your analysis for measuring an applicant on a commitment?  A. Well, by their actions. Q. What actions? A. What was I going to use to — Q. Ascertain — A. — measure an applicant — ascertain an applicant's — Q. — someone's commitment. A. — commitment? Their compliance with this \$15 million.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	amended rules went —  A. Yes, this was after. Q. Now, sheriff, if I may, it says that the bingo games will be operated at the Macon County Greyhound Park, doing business as VictoryLand, at the address we've identified before, right?  A. Yes, sir. Q. Before you issued this license here in December of '04, did you do any investigation or do any confirmation of VictoryLand to confirm for yourself that it was worth — the owners at that location paid at least \$15 million for the land, building and other capital improvements?  A. That's way of that documentation. Q. You have that documentation? A. Yes, sir. Q. And you were satisfied? A. Uh-huh (affirmative).	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. All right. Now, how did you measure commitment? What was going to be your analysis for measuring an applicant on a commitment?  A. Well, by their actions. Q. What actions? A. What was I going to use to — Q. Ascertain — A. — measure an applicant — ascertain an applicant's — Q. — someone's commitment. A. — commitment? Their compliance with this \$15 million. Q. Did anyone other than — A. Among other things. Q. What were some of the other things then?  A. Well, just their — as you investigate and go on. And you can — there are other factors that you can — their commitment,

35 (Pages 137 to 140)

	Page 141		Page 143
1	Q. And we're talking about the owner	1	Q. If an applicant's family –
2	or owners of a location, right?	2	A. If they had
3	A. Yes, sir.	3	Q. If an applicant's family had
4	Q. So, you would want to know the	4	pedigree?
5	owner or owners' attitudes?	5	A. If they – по.
6	A. I think in the basic consideration,	6	Q. I mean, I'm just asking. I'm not
7	you would be interested in that.	7	trying to be facetious about it, but I'm just
8	Q. Some of the things you have	8	asking.
9	enumerated are rather subjective. Is that true?	9	A. I know. Basically, as it says here
10	A. Well	10	in the commentary, their commitment, their
11	Q. You have to answer.	11	financial commitment to Macon County. You would
12	MR. GRAY, JR.: He just asked is it	12	use a realistic and reasonable approach to all
13	true that some of those things are subjective?	13	of this.
14	THE WITNESS: Yes.	14	Q. Who decided that the rules needed
15	Q. (By Mr. Thomas) So, even if I, as	15	to be changed as it relates to this aspect?
16	an owner of land, could establish clearly that	16	A. I did.
17	the property I owned was worth more than \$15	17	Q. And if I could and, again, we're
18	million and a nonprofit organization wanted to	18	still on Plaintiffs' Exhibit 4.
19	use my location to conduct Class B bingo, if I	19	A. Yes, sir.
20	had the wrong attitude I still wouldn't be a	20	Q. Sheriff, if you would, would you
21	qualified location?	21	flip back to Section 1(d), and it's entitled
22	A. I didn't say that.	22	nonprofit organization.
23	Q. Well, you said that you would look	23	MR. GRAY: And look at your
	Page 142		Page 144
1	at one's attitude.	1	commentary on 1(d) also.
2	<ul> <li>A. I would consider that in the</li> </ul>	2	THE WITNESS: Okay. Section 1(d).
3	overall picture.	3	Yes.
4	Q. Overall picture. Well, what other	4	Q. (By Mr. Thomas) Do you see it?
5	things would you kind of consider in the overall	5	Q. (By Mr. Thomas) Do you see it?  A. Uh-huh (affirmative).
5 6	things would you kind of consider in the overall picture in addition to the attitude?	5 6	<ul><li>Q. (By Mr. Thomas) Do you see it?</li><li>A. Uh-huh (affirmative).</li><li>Q. Nonprofit organization shall mean a</li></ul>
5 6 7	things would you kind of consider in the overall picture in addition to the attitude? Temperament?	5 6 7	<ul> <li>Q. (By Mr. Thomas) Do you see it?</li> <li>A. Uh-huh (affirmative).</li> <li>Q. Nonprofit organization shall mean a bona fide organization that is active in good</li> </ul>
5 6 7 8	things would you kind of consider in the overall picture in addition to the attitude?  Temperament?  A. Well, no, not and when I said	5 6 7 8	<ul> <li>Q. (By Mr. Thomas) Do you see it?</li> <li>A. Uh-huh (affirmative).</li> <li>Q. Nonprofit organization shall mean a bona fide organization that is active in good standing for charitable, educational or other</li> </ul>
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5 6 7 8 9 10	things would you kind of consider in the overall picture in addition to the attitude?  Temperament?  A. Well, no, not — and when I said attitude that was — that may have been a simplistic answer, but I would most certainly want to know their true commitment to Macon	5 6 7 8 9 10 11	Q. (By Mr. Thomas) Do you see it? A. Uh-huh (affirmative). Q. Nonprofit organization shall mean a bona fide organization that is active in good standing for charitable, educational or other lawful purposes, which operates without profit to its members and/or which has been classified by the Internal Revenue Service as a tax exempt
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	things would you kind of consider in the overall picture in addition to the attitude?  Temperament?  A. Well, no, not — and when I said attitude that was — that may have been a simplistic answer, but I would most certainly want to know their true commitment to Macon County. And I would use whatever means, legal means, necessary to —  Q. Well, hypothetically, how would you assess someone's true commitment, by the number of people who vouch for the person?  A. As you consider the overall process of investigating and as you would — number one, their commitment, their resource, their — the results of any investigation that you do.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. (By Mr. Thomas) Do you see it? A. Uh-huh (affirmative). Q. Nonprofit organization shall mean a bona fide organization that is active in good standing for charitable, educational or other lawful purposes, which operates without profit to its members and/or which has been classified by the Internal Revenue Service as a tax exempt organization.  Sheriff, that definition of nonprofit organization appears to have been changed a little bit.  A. Yes. Q. If you would and it looks like from the commentary that it was amended to add the phrase "that is active and in good standing." What do you mean by that?
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	things would you kind of consider in the overall picture in addition to the attitude?  Temperament?  A. Well, no, not — and when I said attitude that was — that may have been a simplistic answer, but I would most certainly want to know their true commitment to Macon County. And I would use whatever means, legal means, necessary to —  Q. Well, hypothetically, how would you assess someone's true commitment, by the number of people who vouch for the person?  A. As you consider the overall process of investigating and as you would — number one, their commitment, their resource, their — the results of any investigation that you do.  Q. What do you mean by resource, if an	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. (By Mr. Thomas) Do you see it? A. Uh-huh (affirmative). Q. Nonprofit organization shall mean a bona fide organization that is active in good standing for charitable, educational or other lawful purposes, which operates without profit to its members and/or which has been classified by the Internal Revenue Service as a tax exempt organization.  Sheriff, that definition of nonprofit organization appears to have been changed a little bit.  A. Yes. Q. If you would and it looks like from the commentary that it was amended to add the phrase "that is active and in good standing." What do you mean by that?  A. That is actually doing things and
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	things would you kind of consider in the overall picture in addition to the attitude?  Temperament?  A. Well, no, not — and when I said attitude that was — that may have been a simplistic answer, but I would most certainly want to know their true commitment to Macon County. And I would use whatever means, legal means, necessary to —  Q. Well, hypothetically, how would you assess someone's true commitment, by the number of people who vouch for the person?  A. As you consider the overall process of investigating and as you would — number one, their commitment, their resource, their — the results of any investigation that you do.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. (By Mr. Thomas) Do you see it? A. Uh-huh (affirmative). Q. Nonprofit organization shall mean a bona fide organization that is active in good standing for charitable, educational or other lawful purposes, which operates without profit to its members and/or which has been classified by the Internal Revenue Service as a tax exempt organization.  Sheriff, that definition of nonprofit organization appears to have been changed a little bit.  A. Yes. Q. If you would and it looks like from the commentary that it was amended to add the phrase "that is active and in good standing." What do you mean by that?

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	Page 145	AND DESCRIPTION OF THE PERSONS ASSESSMENT OF	Page 147
1	then for a nonprofit organization based on your	1	location. This restriction shall be noted on
2	first amended and restated rules issued on June	2	any Class B license issued effective as of the
3	4th, 2004 June the 2nd, 2004?	3	date of issuance of these first amended and
4	A. Excuse me?	4	restated rules and regulations.
5	Q. What is the test based on this	5	Who drafted this language?
6	definition for a nonprofit organization?	6	A. My attorney.
7	A. That it is active and a viable	7	Q. Your attorney?
8	charity in the community.	8	A. Yes.
9	Q. As determined by you as sheriff?	9	Q. And, again, is that Fred Gray, Jr.?
10	A. As determined by its actions.	10	A. Yes, sir.
11	Q. Okay. Well, explain that for me.	11	Q. And as sheriff who is charged with
12	A. If you are doing something useful	12	promulgating these rules and did promulgate
13	that is beneficial to someone in need in the	13	these amended these first amended and
14	county or some – you are a benefit to Macon	14	restated rules, what was the purpose that you
15	County.	15	were trying to achieve here?
16	Q. As determined by you?	16	A. I refer you to the commentary.
17	A. As determined by their actions.	17	That was in order to make sure that more more
18	Q. Okay. That's where I'm lost. If	18	nonprofit organizations, viable, active
19	I'm a nonprofit organization and I provide	19	nonprofit organizations, waste, active
20	tutorial services for kindergartners, is that	20	from this and better serve their purposes in
21	active?	21	Macon County.
22	A. That's active.	22	-
23	Q. If I is there any period of time	23	And to prevent just an operator having one charity that could have had some
		20	
	Page 146		Page 148
1	I must do that, one day, once a month, once a	1	undesirable consequences as an operator.
2	year? I mean, what's the standard?	2	<ul> <li>Q. What are some of the undesirable</li> </ul>
3	<ul> <li>A. What would normally be acceptable</li> </ul>	3	consequences that you had in mind?
4	for a charitable organization.	4	<ul> <li>A. One, as stated in the commentary,</li> </ul>
5	Q. As determined by you?	5	would could basically serve as simply a front
6	<ul> <li>As determined by its actions.</li> </ul>	6	to somebody just operating and with one,
7	<ul> <li>Q. Under these rules you, as sheriff,</li> </ul>	7	there was the chance for abuse with just one,
8	would have to make a determination, wouldn't	8	one charity, and it would not - with just one
9	you?	9	charity the economic benefit is not spread over
10	A. Yes, sir.	10	as many nonprofit organizations and thereby
11	Q. Okay. Sheriff, if we could, let's	11	minimizing their positive affect on Macon
12	fast forward to Section 2 at Page 4.	12	County.
13	A. Yes, sir.	13	Q. Sheriff, let me ask you this
14	Q. The language here appears to have	14	question. We have established that - from the
15	been changed from the initial rules and	15	documents that were produced, specifically
16	regulations that you provided or you	16	Tuskegee Human & Civil Rights & Multicultural
17	promulgated, and it suggests for a Class B	17	Center, was granted a license by you, Class B,
18	license.	18	on December 17th, 2003, under your initial rules
19	And it states as follows: No Class	19	and regulations right?
20	B licensee shall be authorized to operate bingo	20	A. Yes, sir.
21	at any qualified location, as defined herein,	21	Q. From December to June what
22	unless a minimum of fifteen (15) applicants	22	information or what events or what incidents
1 <del></del>	chall first obtain Class P licenses for such	22	triaggreed years the rest that the presence was

23 triggered your thought that the process was

23 shall first obtain Class B licenses for such

1	Page 149		Page 151
1	being abused?	1	commentary.
2	MR. GRAY, JR.: I'm going to	2	Q. I appreciate that.
3	object. That assumes a conclusion that's not in	3	A. And that's what I'll
4	evidence. He hasn't said	4	Q. Again, my question to you was
5	MR. THOMAS: Well, he mentioned it.	5	MR. GRAY: Let him finish
6	Q. Do you know of any incidents,	6	answering, counselor, if you will.
7	situations or events that occurred from December	7	MR. THOMAS: Well, he said –
8	of '03 to June of '04 that raised concern by you	8	MR. GRAY: You're asking the second
9	that this process of one license holder could	9	question before he can finish the first one.
10	potentially be abused?	10	MR. GRAY, JR.: And he wasn't quite
11	A. That was sort of looking that	11	finished, although it may not have been the
12	was sort of considering future times, and that	12	answer you were looking for.
13	was considering whatever possibilities that may	13	MR. THOMAS: I embrace that.
14	be out there.	14	Q. Sheriff, please continue.
15	Q. Oh, okay. So, after you passed	15	A. My answers are stated in the
16	your first rules on December 5th, '03, you then	16	commentary, and they were published with the new
17	started looking prospectively about what the	17	rules for everybody to see.
18	future could hold as it relates to this gaming?	18	Q. Okay. I didn't intend to cut you
19	A. Yes, sir.	19	off. I just anticipated
20	Q. Okay. If you don't mind, what's	20	A. That's okay.
21	determinative about 15 charities? Why not five?	21	Q what you were about to say:
22	Why not ten? Why not 25?	22	A. That's all right.
23	A. This was – that was a number I	23	Q. But, again, my question to you:
	Page 150		Page 152
	-		1 age 102
: 1			and the second s
1	decided on.	1	You can't point to any incident or
2	Q. You just woke up one morning and 15	2	event that led or would support that this was
2 3	Q. You just woke up one morning and 15 hit the head?	2 3	event that led or would support that this was being abused?
2 3 4	<ul><li>Q. You just woke up one morning and 15</li><li>hit the head?</li><li>A. Uh-huh (affirmative).</li></ul>	2 3 4	event that led or would support that this was being abused?  A. No.
2 3 4 5	<ul><li>Q. You just woke up one morning and 15</li><li>hit the head?</li><li>A. Uh-huh (affirmative).</li><li>Q. You have to answer.</li></ul>	2 3 4 5	event that led or would support that this was being abused?  A. No.  Q. None of the charities that had
2 3 4 5 6	<ul> <li>Q. You just woke up one morning and 15</li> <li>hit the head?</li> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Well, this was after careful</li> </ul>	2 3 4 5 6	event that led or would support that this was being abused?  A. No. Q. None of the charities that had applied to you, based on your investigation that
2 3 4 5 6 7	<ul> <li>Q. You just woke up one morning and 15</li> <li>hit the head?</li> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Well, this was after careful consideration that that number was considered.</li> </ul>	2 3 4 5 6 7	event that led or would support that this was being abused?  A. No. Q. None of the charities that had applied to you, based on your investigation that you were required to do under your initial
2 3 4 5 6 7 8	<ul> <li>Q. You just woke up one morning and 15</li> <li>hit the head?</li> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Well, this was after careful consideration that that number was considered.</li> <li>lt seemed a good number. It</li> </ul>	2 3 4 5 6 7 8	event that led or would support that this was being abused?  A. No.  Q. None of the charities that had applied to you, based on your investigation that you were required to do under your initial rules, revealed anybody fronting?
2 3 4 5 6 7 8 9	<ul> <li>Q. You just woke up one morning and 15</li> <li>hit the head?</li> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Well, this was after careful consideration that that number was considered.</li> <li>lt seemed a good number. It</li> <li>The number one consideration for</li> </ul>	2 3 4 5 6 7 8	event that led or would support that this was being abused?  A. No. Q. None of the charities that had applied to you, based on your investigation that you were required to do under your initial rules, revealed anybody fronting?  A. No.
2 3 4 5 6 7 8 9	<ul> <li>Q. You just woke up one morning and 15</li> <li>hit the head?</li> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Well, this was after careful consideration that that number was considered.</li> <li>It seemed a good number. It  The number one consideration for that was the more viable, active charities that</li> </ul>	2 3 4 5 6 7 8 9	event that led or would support that this was being abused?  A. No. Q. None of the charities that had applied to you, based on your investigation that you were required to do under your initial rules, revealed anybody fronting?  A. No. Q. Got you, Sheriff, did you prepare
2 3 4 5 6 7 8 9 10	Q. You just woke up one morning and 15 hit the head?  A. Uh-huh (affirmative). Q. You have to answer. A. Well, this was after careful consideration that that number was considered. It seemed a good number. It The number one consideration for that was the more viable, active charities that were doing good things in Macon County, the	2 3 4 5 6 7 8 9 10	event that led or would support that this was being abused?  A. No. Q. None of the charities that had applied to you, based on your investigation that you were required to do under your initial rules, revealed anybody fronting?  A. No. Q. Got you. Sheriff, did you prepare the commentary to the amended and restated bingo
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2 3 4 5 6 7 8 9 10 11 12 13	Q. You just woke up one morning and 15 hit the head?  A. Uh-huh (affirmative). Q. You have to answer. A. Well, this was after careful consideration that that number was considered. It seemed a good number. It  The number one consideration for that was the more viable, active charities that were doing good things in Macon County, the better. The number was was just a number we came up with.	2 3 4 5 6 7 8 9 10 11 12 13	event that led or would support that this was being abused?  A. No. Q. None of the charities that had applied to you, based on your investigation that you were required to do under your initial rules, revealed anybody fronting?  A. No. Q. Got you. Sheriff, did you prepare the commentary to the amended and restated bingo rules?  A. It was a collaboration between me
2 3 4 5 6 7 8 9 10 11 12 13	<ul> <li>Q. You just woke up one morning and 15</li> <li>hit the head?</li> <li>A. Uh-huh (affirmative).</li> <li>Q. You have to answer.</li> <li>A. Well, this was after careful consideration that that number was considered.</li> <li>It seemed a good number. It  The number one consideration for that was the more viable, active charities that were doing good things in Macon County, the better. The number was was just a number we came up with.</li> <li>Q. Who is the "we"?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13	event that led or would support that this was being abused?  A. No. Q. None of the charities that had applied to you, based on your investigation that you were required to do under your initial rules, revealed anybody fronting?  A. No. Q. Got you, Sheriff, did you prepare the commentary to the amended and restated bingo rules?  A. It was a collaboration between me and my attorney.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. You just woke up one morning and 15 hit the head?  A. Uh-huh (affirmative). Q. You have to answer. A. Well, this was after careful consideration that that number was considered. It seemed a good number. It  The number one consideration for that was the more viable, active charities that were doing good things in Macon County, the better. The number was was just a number we came up with.  Q. Who is the "we"?  A. Me and my attorney. Q. And that's Fred Gray, Jr.?  A. Uh-huh (affirmative). Q. But nothing transpired or happened from December of '03 to June of '04 that you could document that led you to believe that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	event that led or would support that this was being abused?  A. No. Q. None of the charities that had applied to you, based on your investigation that you were required to do under your initial rules, revealed anybody fronting?  A. No. Q. Got you, Sheriff, did you prepare the commentary to the amended and restated bingo rules?  A. It was a collaboration between me and my attorney. Q. Okay. And as sheriff, that answer is, yes, you did prepare them?  A. Yes, sir. Q. Sheriff, if I may, could we go now to Section 4. And that's going to be at Page 5. A. Yes, sir.

#### Page 153 Page 155 1 Class B bingo license holders contract in a increased activity, more people coming. The 2 given calendar year with the owner of the Class increased activity, more people coming, more --3 B qualified location, the owner of said Class B 3 we wanted to be ready for any future events that 4 qualified location shall pay a business license 4 would -- that law enforcement would have to deal 5 fee (operator's license fee) of \$250,000 at the 5 with. 6 time the Class B bingo license is issued or From December '03 to June of '04, 6 Q. 7 renewed. 7 based on your previous answers in all the other 8 That seems to be raised 8 discovery we've gotten in this case, there was 9 significantly from the operator's license fee 9 only one Class B qualified location during that 10 that you had initially set forth in your 10 period? 11 December rules, December '03 rules. 11 A. Yes, sir. 12 Α. Yes, sir. 12 Q. And that would be VictoryLand? 13 Q. Why the increase? 13 A. Yes, sir. 14 14 Again, I will - it's stated in the Q. So, isn't it a fact that the only 15 commentary, my basic thinking on that. 15 operator's license fee you ever received has 16 And that is? been from VictoryLand? 16 17 MR, GRAY: Just read it. 17 A. Uh-huh (affirmative). THE WITNESS: Oh. The license for 18 18 Q. You have to answer out. a Class B qualified location is hereby increased 19 19 A. Yes 20 to \$250,000, effective as of January 1, 2005. 20 Q. Did you ever have any discussions 21 The license fee increase should provide 21 with Milton McGreggor or any of the other 22 additional funding for the sheriff's department 22 officials at VictoryLand regarding the increase 23 to support, as well as retain, existing and 23 in the operator's license fee? Page 154 Page 156 increased law enforcement personnel to regulate 1 A. I talked with my attorney and came 2 and supervise the operation of bingo games in 2 up with that figure based on what I felt the 3 Macon County to preserve and protect the future needs and demands would be made on the 3 4 integrity of the bingo games for customers and 4 Macon County Sheriff's Office. And as it says 5 for the nonprofit organizations. 5 in the commentary, to protect and preserve the 6 (By Mr. Thomas) Did any events or 6 integrity of the games for its customers and its 7 situations occur between December '03 and June 7 nonprofit organizations. 8 of '04 which led you to believe that the fee 8 I saw some newspaper clipping where 9 needed to be increased? 9 you got -- or was given a check for the 10 And when I say the fee, the 10 \$250,000. Is that the sole amount you've gotten 11 operator's license fee. It needed to be 11 from VictoryLand as the operator's license fee? 12 increased from \$1,000 to \$250,000? 12 A. Yes. 13 MR. GRAY, JR.: Just -- I don't 13 Q. Has the \$250,000 proven to be 14 want to interrupt you, but that is not guite 14 doable, the \$250,000 doable? 15 factual. It should be from \$40,000 to \$250,000. 15 MR. GRAY, JR.: I'm going to just 16 MR. THOMAS: Thank you, lawyer. 16 object simply because --17 Sheriff, as mentioned by counsel, 17 THE WITNESS: What do you mean 18 the operator's license fee was increased from 18 durable? 19 from \$40,000 to \$250,000. 19 MR. GRAY, JR.: Right, right. Go 20 Yes, sir. The increased activity. 20 ahead. Because he's got the same question I 21 the demands put on the department. 21 had, and he's the one who has to answer the

MR. THOMAS: Well, he's referenced

22

23

question. Go ahead.

22

23

A.

The increased what now?

The increased activity and -- the

	Page 157		Page 159
1	his attorney many times. So, you're free to	1	MR. GRAY: You're talking about the
2	give him what your thoughts were. I ain't got	2	operator's license?
3	no problem with it.	3	THE WITNESS: You're talking about
4	MR. GRAY, JR.: What is durable, is	4	operator's
5	what he was -	5	MR. THOMAS: Well, no. 1'm not
6	THE WITNESS: I was asking you what	6	no, no.
7	did you mean by durable?	7	MR. GRAY, JR.: I think you said
8	Q. (By Mr. Thomas) Well, I mean, is	8	two you asked two different questions.
9	it sufficient to handle the sheriff's department	9	That's what happened.
10	support and increase in law enforcement	10	MR. THOMAS: And that's why
11	personnel and to regulate and supervise the	11	let's just restructure them, sheriff.
12	operation of bingo games in Macon County?	12	THE WITNESS: Yes, sir.
13	MR. GRAY: Was it sufficient at the	13	<ul><li>Q. (By Mr. Thomas) To the extent that</li></ul>
14	time the rule was promulgated, or is it	14	other charities under your rules obtain the
15	sufficient now?	15	required what we call a Class B business license
16	MR. THOMAS: Well, it's both ways.	16	or became Class B license holders
17	Q. June of '04, was it sufficient?	17	A. Yes, sir.
18	<ul> <li>A. Only that's that's sort of</li> </ul>	18	Q. — they then would have to have a
19	hard to answer because things are changing so	19	Class B qualified location, right?
20	and	20	A. Yes, sir.
21	MR. GRAY, JR.: Listen to the	21	Q. And that Class B qualified location
22	question. He's saying was it sufficient in June	22	under your June 2004 rules would have to pay the
23	of '04.	23	\$250,000 fee?
1	Page 158	1	Page 160
	rage 150		r age 100
1	MR. THOMAS: In 2004.	1	A. I'm still not
1 2	_	1 2	A. I'm still not Q. Okay.
1	MR. THOMAS: In 2004.	1	<ul><li>A. I'm still not</li><li>Q. Okay.</li><li>A. I'm still not hearing what you're</li></ul>
2	MR. THOMAS: In 2004. THE WITNESS: Oh, yes, it was.	2 3 4	<ul> <li>A. I'm still not</li> <li>Q. Okay.</li> <li>A. I'm still not hearing what you're saying. Are you saying that there are more</li> </ul>
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2 3 4	MR. THOMAS: In 2004. THE WITNESS: Oh, yes, it was. Q. (By Mr. Thomas) Okay. What about fast forward to August 15th, 2006. Is it	2 3 4 5 6	A. I'm still not Q. Okay. A. I'm still not hearing what you're saying. Are you saying that there are more Class B operators, Class B qualified locations, or you saying there are more Class B
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1	Page 161		Page 163
	MR. THOMAS: I'm just on the first	1	million?
2	one, though. I'm just on the first amendment	2	A. As stated in the commentary, you
3	right now. Right?	3	would always wish to do better. With an
4	MR. GRAY, JR.: Go ahead.	4	enhanced prize, a chance for larger prizes would
5	MR. THOMAS: That's the one we're	5	increase – its attractiveness and its
6	on now, the first amendment.	6	marketability and all of that would enhance the
7	MR. GRAY, JR.: Okay.	7	economic benefits to the charities in Macon
8	Q. (By Mr. Thomas) So, I guess what	8	County and their ability to do more in Macon
9	I'm just saying to you, if you have anyone	9	County.
10	who has a Class B qualified location and is then	10	Q. Now, I recall your testimony that
11	a Class B bingo operator, they have to pay that	11	you increased the operator's license fee to
12	\$250,000 fee?	12	\$250,000?
13	A. Yes, sir.	13	A. Yes, sir.
14	Q. All right. And the more you would	14	Q. And I think that you attributed
15	have, the more \$250,000 fees you would be paid?	15	that to the fact that you needed more law
16	A. Yes.	16	enforcement personnel because you had seen the
17	Q. Okay. Now, Section 9(f). And	17	crowds get bigger, right?
18	that's going to be at Page 8 under the section	18	A. Yes, sir.
19	called general regulations; prizes. Have you	19	Q. So, you had already observed that
20	gotten to that page sheriff?	20	people were coming?
21	A. Eight?	21	A. Yes, sir.
22	Q. Yes, eight.	22	Q. So, what would be the need for \$20
23	A. Under what?	23	million in prize money if they're already
	Page 162		Page 164
1	Q. It's Section 9.	1	coming?
2	A. Section 9.	1 .	corning:
i -	A. Section 9.	2	A. To keep them coming.
3	Q. General regulations. And then go	Į.	
		2	A. To keep them coming.
3	Q. General regulations. And then go	2	<ul><li>A. To keep them coming.</li><li>Q. Were these things that you had</li></ul>
3 4	Q. General regulations. And then go down to (f).	2 3 4	A. To keep them coming.     Q. Were these things that you had observed? I mean, is this – was anything
3 4 5	Q. General regulations. And then go down to (f).  A. Yes, sir, I see it.	2 3 4 5	A. To keep them coming. Q. Were these things that you had observed? I mean, is this — was anything reported to you or shared with you that that would be an incentive to keep the people coming? A. I can — you know, I visit
3 4 5 6	<ul><li>Q. General regulations. And then go down to (f).</li><li>A. Yes, sir, I see it.</li><li>Q. Do you see here that for the</li></ul>	2 3 4 5 6	A. To keep them coming. Q. Were these things that you had observed? I mean, is this — was anything reported to you or shared with you that that would be an incentive to keep the people coming? A. I can — you know, I visit VictoryLand quite regularly, and I could see the
3 4 5 6 7	Q. General regulations. And then go down to (f).  A. Yes, sir, I see it. Q. Do you see here that for the purposes of these rules and regulations, no single prize given by any nonprofit organization, or on its behalf, for the playing	2 3 4 5 6 7	A. To keep them coming. Q. Were these things that you had observed? I mean, is this — was anything reported to you or shared with you that that would be an incentive to keep the people coming? A. I can — you know, I visit VictoryLand quite regularly, and I could see the increase in — the increase in people coming.
3 4 5 6 7 8 9	Q. General regulations. And then go down to (f).  A. Yes, sir, I see it. Q. Do you see here that for the purposes of these rules and regulations, no single prize given by any nonprofit organization, or on its behalf, for the playing of bingo games shall exceed \$20 million in cash	2 3 4 5 6 7 8 9	A. To keep them coming.  Q. Were these things that you had observed? I mean, is this — was anything reported to you or shared with you that that would be an incentive to keep the people coming?  A. I can — you know, I visit  VictoryLand quite regularly, and I could see the increase in — the increase in people coming.  And the benefits to Macon County,
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3 4 5 6 7 8 9 10 11 12 13 14 15	Q. General regulations. And then go down to (f).  A. Yes, sir, I see it. Q. Do you see here that for the purposes of these rules and regulations, no single prize given by any nonprofit organization, or on its behalf, for the playing of bingo games shall exceed \$20 million in cash or equivalent value during any bingo session?  A. Yes, sir. Q. What was the purpose behind that? A. Again, I refer to the commentary. Q. Uh-huh (affirmative).	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. To keep them coming.  Q. Were these things that you had observed? I mean, is this — was anything reported to you or shared with you that that would be an incentive to keep the people coming?  A. I can — you know, I visit VictoryLand quite regularly, and I could see the increase in — the increase in people coming.  And the benefits to Macon County, that's what I'm interested in besides being — doing a good job and maintaining all of this.  But the benefits to Macon county is the bottom line.  Q. As sheriff, how often do you visit
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. General regulations. And then go down to (f).  A. Yes, sir, I see it. Q. Do you see here that for the purposes of these rules and regulations, no single prize given by any nonprofit organization, or on its behalf, for the playing of bingo games shall exceed \$20 million in cash or equivalent value during any bingo session?  A. Yes, sir. Q. What was the purpose behind that? A. Again, I refer to the commentary. Q. Uh-huh (affirmative). A. The single prize limitation has been increased to provide greater attraction and marketing of bingo games in order to enhance economic benefits to the charities in Macon County.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. To keep them coming.  Q. Were these things that you had observed? I mean, is this — was anything reported to you or shared with you that that would be an incentive to keep the people coming?  A. I can — you know, I visit VictoryLand quite regularly, and I could see the increase in — the increase in people coming.  And the benefits to Macon County, that's what I'm interested in besides being — doing a good job and maintaining all of this. But the benefits to Macon county is the bottom line.  Q. As sheriff, how often do you visit VictoryLand?  A. Quite often, numerous times. Q. Say in a bingo session, a week? A. A week. I would probably be there a couple or three times a week, something like

	Page 165		Page 167
1	A. When I go – when I visit	1	counselor, those are public documents. You can
2	VictoryLand, normally I'll be walking around	2	get them through your regular means.
3	talking to employees or stopping by the police	3	MS. SALAAM-JONES: That won't stop
4	department or those type things.	4	you from producing them, will it?
5	Q. What is your relationship with	5	MR. THOMAS: That's what I was
6	Milton McGreggor?	6	asking you.
7	A. Business.	7	Q. As we're saying, do you have any
8	Q. And what do you mean by that?	8	objection to producing it? It's a question made
9	A. He is the owner and proprietor of	9	to you. What your counsel said was a
10	business of this business. I am through	10	suggestion.
11	the normal course of just business. That's how	11	My question to you, do you have any
12	I interact with Milton McGreggor.	12	objection to producing them?
13	Q. You just ran for election and did	13	A. They're a matter of public record.
14	so successfully. And congratulations.	14	Q. Again, just follow me. Do you have
15	A. Thank you, sir.	15	any objection to producing them?
16	Q. Was Milton McGreggor and	16	A. No.
17	VictoryLand one of your supporters?	17	Q. Okay. And would you produce them
18	<ol> <li>I'm pretty sure they supported me,</li> </ol>	18	to me?
19	but I also had to borrow	19	<ul> <li>As I said, they are a matter of</li> </ul>
20	MR. GRAY, JR.: Just answer his	20	public record. You can get them.
21	question.	21	Q. You're getting off track. My
22	THE WITNESS: Yes, yes.	22	question to you, would you have any objections
23	Q. (By Mr. Thomas) What was the	23	to producing them to me?
	Page 166	was a constitution of the	Page 168
1	extent of VictoryLand or Milton McGreggor's	1	MR. GRAY, JR.: If that is - if
2	support of your campaign?	2	that is a discovery request, then submit the
3	A. I'm not sure.	3	discovery request and then it will be responded
4	Q. A guesstimate.	4	to in the usual form.
5	MR. GRAY, JR.: You're just asking	5	MR. THOMAS: Okay.
6	how many employees voted for him?	6	Q. Sheriff, if we could, let's go to
7	Q. (By Mr. Thomas) No. How much	7	Section 15. This is a new section here called
8	financial support did VictoryLand and/or Milton	8	compliance with federal law.
9	McGreggor contribute to your campaign?	9	A. Uh-huh (affirmative).
10	A. I don't know.	10	Q. I think it is. Let me just double
11	Q. Aren't you required to do reporting	11	check.
12	to the	12	Sheriff, explain to me about the
13	A. I don't –	13	inclusion or the amendment to add compliance
14	MR. GRAY, JR.: Just answer that	14	with federal law.
15	augetion. Are you required?	115	
15	question. Are you required?	15	A. That was my attorney's there.
16	Q. (By Mr. Thomas) Aren't you	16	Q. That was recommended by your
16 17	Q. (By Mr. Thomas) Aren't you required?	16 17	Q. That was recommended by your attorney?
16 17 18	Q. (By Mr. Thomas) Aren't you required? A. Yes, I am.	16 17 18	<ul><li>Q. That was recommended by your attorney?</li><li>A. Yes, sir.</li></ul>
16 17 18 19	Q. (By Mr. Thomas) Aren't you required? A. Yes, I am. Q. Do you have those reports?	16 17 18 19	<ul><li>Q. That was recommended by your attorney?</li><li>A. Yes, sir.</li><li>Q. Obviously, this is a public record,</li></ul>
16 17 18 19 20	<ul><li>Q. (By Mr. Thomas) Aren't you required?</li><li>A. Yes, I am.</li><li>Q. Do you have those reports?</li><li>A. Yes, I do.</li></ul>	16 17 18 19 20	<ul> <li>Q. That was recommended by your attorney?</li> <li>A. Yes, sir.</li> <li>Q. Obviously, this is a public record, but what's your best knowledge about Title 15,</li> </ul>
16 17 18 19 20 21	<ul> <li>Q. (By Mr. Thomas) Aren't you required?</li> <li>A. Yes, I am.</li> <li>Q. Do you have those reports?</li> <li>A. Yes, I do.</li> <li>Q. Would you have any objection to</li> </ul>	16 17 18 19 20 21	Q. That was recommended by your attorney? A. Yes, sir. Q. Obviously, this is a public record, but what's your best knowledge about Title 15, United States Code, Section 1172?
16 17 18 19 20	<ul><li>Q. (By Mr. Thomas) Aren't you required?</li><li>A. Yes, I am.</li><li>Q. Do you have those reports?</li><li>A. Yes, I do.</li></ul>	16 17 18 19 20	Q. That was recommended by your attorney? A. Yes, sir. Q. Obviously, this is a public record, but what's your best knowledge about Title 15, United States Code, Section 1172?

	Page 169	<u> </u>	Page 171
1	MR. GRAY: If you need to, you can	1	couldn't be a license holder in Macon County, a
2	rephrase it.	2	Class B license holder, and be at VictoryLand
3	THE WITNESS: Oh, 15.	3	and at another place called Thomas charity?
4	Q. (By Mr. Thomas) Got you. Sheriff	4	A. No, sir.
5	- go ahead. I'm sorry.	5	Q. Okay. Got you. What was the basis
6	A. That deals with all electronic,	6	for this provision in both your initial and your
7	computer, other devices used in connection with	7	amended rules and regulations?
8	the operation of licensed bingo games conducted	8	A. That was to – that was to make
9	in Macon County under the authority of Amendment	9	sure that I believe the reasoning on that was
10	744 to the Constitution of Alabama and permitted	10	to make sure that for the purpose of
11	under the rules and regulations for licensing	11	consistency.
12	and operating of bingo games promulgated by the	12	And once – once a license holder
13	sheriff.	13	was in a location, I think to - just to change
14	Q. Okay. Sheriff, if we could flip	14	I think for consistency sake was more than
15	back over to Page 4, and I want to call your	15	anything.
16	attention to Section 3 at the bottom of Page 4.	16	Q. To illustrate that, your attorneys
17	MR. GRAY, JR.: Let me ask this	17	produced to me 62 licenses that you've issued.
18	question before you do that, counselor. About	18	A. Yes, sir.
19	how much longer do you have?	19	<ul> <li>Q. And all of these licenses, based on</li> </ul>
20	MR. THOMAS: Let me finish up with	20	my best review of them on their face, are at the
21	this question.	21	qualified location of Macon County Greyhound
22	THE WITNESS: Yes, sir.	22	Park, doing business as VictoryLand?
23	MR. THOMAS: Let me finish up with	23	A. Yes, sir.
	Page 170		Page 172
1	this question.	1	Q. None of these 62 charities can
2	<ul> <li>Q. Sheriff, if we could, we're on</li> </ul>	2	change locations under your rules?
3	Section 3. And go over to Page 5.	3	<ul> <li>A. Once they contract that becomes a</li> </ul>
4	A. Yes, sir.	4	part of their contract, and I don't
5	<ul><li>Q. And in the next to the last</li></ul>	5	Q. So, all 62 of these —
6	sentence, a license holder may hold only one	6	MR. GRAY, JR.: Hold on. Let him
7	license, and that license shall be valid for	7	finish his sentence.
8	only one location in Macon County.	8	MR. THOMAS: I'm sorry for cutting
9	A. Yes, sir.	9	you off.
10	Q. Sheriff, if I may call your	10	THE WITNESS: That is a personal
11	attention to the fact that that was also a part	11	contract between them and VictoryLand.
12	of your initial rules. This was not a new	12	Q. (By Mr. Thomas) Finished?
13	provision. Okay?	13 14	A. That's it.     Q. Okay. Now, sheriff, again just to
14 15	<ul><li>A. Uh-huh (affirmative).</li><li>Q. So, I'd just to ask you about as</li></ul>	15	clarify my question, all of these licenses where
16	I understand this language, a nonprofit Class B	16	they have their qualified locations at
17	license holder can only have one license, right?	17	VictoryLand, they cannot transfer or relocate to
18	A. Yes.	18	another location under your rules?
19	Q. And that one license that was held	19	A. Under the – that has to be under
20	by that Class B license holder would be	20	the terms of their agreement with VictoryLand.
21	dedicated to only one location? It says	21	Q. Well, again, I was asking you about
4	-	ı	· ·
	_	23	MR. GRAY: He's telling you that
22 23	A. Yes, yes. Q. Okay. So, I couldn't have – I	22 23	under your rules. You say a license holder MR. GRAY: He's telling you that

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	Page 173		Page 175
1	MR. THOMAS: He said his rules	1	(Whereupon, said document was
2	say a license holder may hold only one license,	2	marked for identification as
3	and that license shall be valid only for one	3	Plaintiffs' Exhibit No. 5 to the
4	location in Macon County.	4	deposition of David M. Warren.)
5	MR. GRAY: Yeah.	5	MR. THOMAS: If I could, this is
6	MR. THOMAS: That has nothing to do	6	going to be six. Sheriff, I'm having this
7	with VictoryLand. My question to you	7	marked as Plaintiffs' Exhibit 6. Sheriff, let
8	MR. GRAY: Just that you couldn't	8	me take a moment to make sure I thumb through it
9	have two at the same time.	9	and make sure it's clean.
10	Q. (By Mr. Thomas) But, again, none	10	(Whereupon, said document was
11	of these licenses that have been issued by your	11	marked for identification as
12	office can go any other place other than	12	Plaintiffs' Exhibit No. 6 to the
13	Greyhound Park?	13	deposition of David M. Warren.)
14	A. That's the only place there is to	14	Q. This is Plaintiffs' Exhibit 6.
15	play.	15	Sheriff, as we've done before, would you take a
16	MR. THOMAS: Off the record.	16	moment to review Plaintiffs' Exhibit 6, the
17	(Whereupon, the taking of the	17	second amended and restated rules and
18	deposition was recessed from approximately 12:57	18	regulations for the licensing and operation of
19	p.m. to approximately 1:33 p.m., after which the	19	bingo games in Macon County, Alabama.
20	following proceedings were had and done:)	20	A. Yes.
21	MR. THOMAS: Before we adjourned,	21	MR. GRAY, JR.: And again, you're
22	Fred, I forgot, I would like to move to have	22	just asking him right now to just look to see
23	Plaintiffs' Exhibit 4, the first amended and	23	whether or not this appears to be what it says
	Page 174		Page 176
1	restated rules and regulations for the licensing	1	on the front page at the top?
2	and operation of bingo games in Macon County,	2	MR. THOMAS: Yes.
3	Alabama made a part of the sheriff's deposition.	3	Q. Do you understand that, sheriff?
4	MR. GRAY, JR.: No objection. You	4	A. Yes.
5	also referenced the Franklin Volunteer Fire	5	MR. GRAY: And if you're going to
6	Department's license application - not	6	examine him now, I take it on this, sheriff, if
7	application, but license	7	you will, look at your commentaries to refresh
8	MR. THOMAS: Right.	8	your recollection and enable you to answer his
9	MR. GRAY, JR.: for two or three	9	questions quicker when you answer them. Give
10	years. Did you intend not to offer that?	10	him a little time to look at it.
11	MR. THOMAS: Let's go ahead since I	11	MR. THOMAS: Take as much time as
12	I - to make the transcript complete, why don't	12	you need.
13	you mark this as Plaintiffs' Exhibit 5.	13	Q. Sheriff, have a had a chance to
14	MR. GRAY: That's the last one in	14	look at it?
15	which one of them?	15	A. Yes.
16	MR. GRAY, JR.: Franklin Volunteer	16	Q. Sheriff, before we get into the
	Fire Department.	17	proposed Plaintiffs' Exhibit 6, I forgot to ask
17		18	you early on, have you ever given a deposition
17 18	MR. GRAY: Okay. Thank you.	10	
1	MR. GRAY: Okay. Thank you. MR. GRAY, JR.: Bates number SW53,	19	before?
18	- · · · · · · · · · · · · · · · · · · ·	1	before? A. Yes.
18 19	MR. GRAY, JR.: Bates number SW53,	19	
18 19 20	MR. GRAY, JR.: Bates number SW53, 54 and 55.	19 20	A. Yes.
18 19 20 21	MR. GRAY, JR.: Bates number SW53, 54 and 55. MR. GRAY: And that's 5?	19 20 21	<ul><li>A. Yes.</li><li>Q. And about how many depositions have</li></ul>

### Court Reporting \* Legal Videography \* Trial Services

	Page 177		Page 179
1	A. A few.	1	MR. GRAY, JR.: That's fine.
2	Q. Ten or more?	2	MR. THOMAS: All right. Let me get
3	A. I've been doing this for 32 years	3	this copied.
4	probably.	4	Q. Sheriff, I'm sorry for the little
5	Q. But at least about ten depositions	5	delay
6	you think?	6	A. No problem.
7	A. Yeah.	7	Q but based on the
8	MR. GRAY, JR.: Let me ask this	8	well-recommended suggestion of your attorney, we
9	question, counselor, before you proceed. I	9	were able to get you a signed copy
10	noticed on at least on my copy the sheriff's	10	A. Yes, sir.
11	signature is not on Page 12	11	Q of the second amended and
12	MR. THOMAS: It's not there?	12	restated rules. And so I would ask you to
13	MR. GRAY, JR.: the final page.	13	review this document and direct you specifically
14	Yes, sir.	14	to Page 12 and ask if you recognize your
15	MR. THOMAS: And that's what I was	15	signature?
16	about to ask the sheriff, and what I was going	16	A. Yes, sir.
17	to go over and I will now.	17	Q. Now, it's dated January 6, but it
18	Q. As you've had a chance, now I'll	18	says the effective date is January 1st. I think
19	ask you to go further. Would you look at the	19	that pretty much speaks for itself.
20	second amended and restated rules and	20	The effective date of the second
21	regulations	21	amended and restated rules is January 1, 2005?
22	A. Yes.	22	A. Yes.
23	Q. — and you will notice at Page 12	23	Q. Sheriff, again, give or take a
	Page 178		Page 180
1	that the document does not contain your	1	couple of days, January 1, 2005, is right about
2	signature?	2	maybe six months from June 2nd, the date of your
3	A. Uh-huh (affirmative).	3	first amended and restated rules.
4	Q. Do you have any reason, as you have	4	And so it appears like you're
5	reviewed and I would ask you to review have	5	changing the rules or amending them every six
6	any reasons to question whether or not these are	6	months.  My question to you: What was the
7	the rules you actually promulgated?	8	basis for the second amended and restated rules
8	MR. GRAY, JR.: Before he responds	9	and regulations for the licensing and operation
9	to that, let me just state that if counsel does not have a copy of one — of a set of these	10	of bingo games in Macon County?
10	second amended and restated rules or you don't	11	A. I never knew that bingo was going
12	have them readily available and accessible, with	12	to become what it became. I just never knew it.
13	our motion to dismiss we provided a copy	13	You couldn't have ever told me that it would
14	MR. THOMAS: That is signed?	14	just take off like it did.
15	MR. GRAY, JR.: that is signed.	15	And in these rule changes I've
16	And you're welcome to make a copy	16	tried to address issues before they would come
17	MR, THOMAS: Be more than happy to.	17	up. And that's basically my reasoning.
18	MR. GRAY, JR.: so that we can	18	Q. Let me ask this. And, again, I
	•	19	would take you to the commentary to the second
19	use that.	1 .~	
1	use that.  MR. THOMAS: If you don't mind	20	amended and restated rules.
19		1	amended and restated rules.  A. Uh-huh (affirmative).
19 20	MR. THOMAS: If you don't mind	20	

	Court Reporting " Legal Vic	aeog	Taphy Thai Cervices
	Page 181		Page 183
1	and regulations that you promulgated, did you	1	MR. THOMAS: If you're okay, I'm
2	draft these rules?	2	fine.
3	A. No. I these rules were a	3	MR. GRAY, JR.: 1'm okay
4	well, these rules were the result of work with	4	highlighting that because it's quite a bit.
5	my attorneys, but they are my rules.	5	MR. THOMAS: Yeah, it's quite a
6	And I relied on him to do the	6	bit.
7	whereas's and the whereto's, but I read	7	MR. GRAY, JR.: And because that
8	everything, I understood everything and they are	8	first sentence is so long.
9	four all intents and purposes my rules.	9	MR. GRAY: And it's really four
10	Q. And when you makes reference to	10	sentences.
11	your attorney, again, that's Fred Gray, Jr.?	11	MR. THOMAS: Yeah. When you're
12	A. Yes, sir.	12	drafting documents, it gets a little wordy.
13	Q. Now, both in the introduction to	13	MR. GRAY, JR.: Oh, yeah.
14	the regulations and the commentary, there is a	14	MR. THOMAS: We've all been there.
15	the last sentence states the primary purpose	15	MR. GRAY: Well, I'm trying my best
16	of this second amendment is to encompass the	16	not to have to draft any.
17	definition of "bingo games" as pronounced by the	17	MR. THOMAS: Your legacy lives in.
18	Attorney General for the State of Alabama and to	18	<ul> <li>Q. Sheriff, your attorney has just</li> </ul>
19	further adopt the policy of the Attorney General	19	identified for you the language that I was
20	in limiting the conduct of Class B bingo gaming	20	making reference to.
21	in Macon County, thereby allowing the sheriff to	21	A. Uh-huh (affirmative).
22	more effectively regulate and enforce the proper	22	<ul> <li>Q. If you would, take a moment to</li> </ul>
23	conduct of bingo games.	23	review that highlighted portion.
	Page 182	<u> </u>	Page 184
ľ	·		_
1	Now, I think in and I will	1	A. Yes, sir.     Q. Sheriff, would you explain to the
2	direct your attention specifically to Section 1,	2	Q. Sheriff, would you explain to the Court what the amended language was attempting
3	definitions. Under (a) there appears to be a	3	to serve or do?
4	broader definition of bingo games. Do you see	4	
5	that?	5	A. Yes, sir. I refer again to the commentary. I believe – well, I – the
6	A. What page, two?	6	definition "bingo" or "bingo games" is hereby
7	Q. Page 2. And it's pretty much the	7	amended to add four new sentences to be inserted
8	second sentence, "the bingo game."	9	after the first sentence and before the second
9	A. Yes.	10	sentence of the current definition in order to
10	Q. You want to take a moment or two to	11	adopt the Attorney General's pronouncement of
111	review that?	12	bingo games that are lawful in the State of
12	A. (Complies).	13	Alabama.
13	MR. GRAY: Do you want to point out	14	The Attorney General had some
14	to him what was added so he can focus on that?	15	and my explanation, the Attorney General had
15	MR. THOMAS: Yeah. I call myself	16	some very specific things to say about bingo,
16	and, Fred, you may want to. It appears to be	17	and I thought that it would be pertinent that
17	that part, the bingo game must	18	his language be added to the rules and
18	MR. GRAY: Right.	19	regulations.
19	MR. THOMAS: incorporate the	20	Q. The language of the Attorney
20	typical features of traditional bingo, including	21	General that you make reference to, is it
- 1	1tt !!!1  1		
21	but not limited to	1	
- 1	but not limited to  MR. GRAY, JR.: Right. Do you want us to highlight it?	22 23	contained in some separate document, some finding, some conclusion from the Attorney

46 (Pages 181 to 184)

this language that you inserted implies, the electronic machines — and I'm assuming that that — it's pretty much a matter of public knowledge.  A. It was a part of his formal report that — it's pretty much a matter of public knowledge.  Q. Well, you apparently saw it I'm assuming?  A. Yes, sir.  Q. And you reviewed it?  A. Yes, sir.  Q. And you reviewed it?  A. Yes, sir.  Q. Do you have a copy of what you saw and reviewed?  A. I saw it at first in a newspaper and reviewed?  A. I saw it at first in a newspaper and review moth from there.  G. Let me do this if I may.  A. There was also a report issued.  MR. THOMAS: Yeah. Let me do this.  Let me show this to your attorney first. And what I'd like to do is have this marked as Plaintiffs' Exhibit 7.  Whereupon, said document was marked for identification as marked for identification as marked as Plaintiffs' Exhibit 7.  A. Yes, sir.  Q. The electronic machines — and I'm assuming that this relates to the Class B bingo?  A. Yes, sir.  Q. And that players are competing against each other?  A. Yes, sir.  Q. And think in this report somewhere the Attorney General states that.  Would you look at the second page? And I take 2 you down to Paragraph 2. Do you see that, number two?  A. Yes, sir.  Q. And then the second paragraph from that that starts with "The games played on these video consoles." Do you see that, number two?  A. Yes, sir.  Q. The electronic machines must be linked so that players are competing against each other?  A. Yes, sir.  Q. And think in this report somewhere the Attorney General states that.  Would you look at the second page? And I take 2 you down to Paragraph 2. Do you see that, number two?  A. Yes, sir.  Q. And then the second paragraph from that that starts with "The games played on these video consoles." The your see that?  MR. THOMAS: Teah, Life Teah that that starts with "The games played on these video consoles." The your see that?  MR. THOMAS: Teah, Life Teah that that starts with "The games played on these video consoles." The your see that?	r .	Page 185		Page 187
2 A. Yes, sir, it is. 3 Q. Where is that document? 4 A. It was a part of his formal report 5 that — it's pretty much a matter of public 6 knowledge. 7 Q. Well, you apparently saw it I'm 8 assuming? 9 A. Yes, sir. 10 Q. And you reviewed it? 11 A. Yes, sir. 12 Q. Do you have a copy of what you saw 12 and pretty much from there. 13 and pretty much from there. 14 A. I saw it at first in a newspaper 15 and pretty much from there. 16 Q. Let me do this if I may. 17 A. There was also a report issued. 18 MR. THOMAS: Yeah. Let me do this. 19 Let me show this to your attorney first. And 20 what I'd like to do is have this marked as 21 Plaintiffs' Exhibit No. 7 to the 22 deposition of David M. Warren.) 23 Q. Sheriff, let me show you what has 4 been marked as Plaintiffs' Exhibit 7. 5 A. Yes, sir. 6 Q. This is a release from the — from 7 Troy King, the Alabama Attorney General, and it is captioned A.G. King Announces Findings of His Gambling Review, and it bears the date of 10 December 1, 2004. 11 A. Yes, sir. 2 Q. And I think in this report 2 you down to Peragraph 2. Do you see that, 11 would you look at the second paragraph from 16 that that starts with "The games played on these video consoles." Do you see that? 18 MR. THOMAS: Yeah. Let me do this, 19 Let me show this to your attenory first. And 20 what I'd like to do is have this marked as 21 Plaintiffs' Exhibit No. 7 to the 22 deposition of David M. Warren.) 23 Q. Sheriff, let me show you what has 24 been marked as Plaintiffs Exhibit 7. 25 A. Yes, sir. 26 Q. This is a release from the — from 27 Troy King, the Alabama Attorney General, and it is is captioned A.G. King Announces Findings of His 28 Gambling Review, and it bears the date of 29 December 1, 2004. 20 And it seas the seal of the Office 21 of the Attorney General, Stato of Alabama? 22 A. Yes, sir. 23 MR. THOMAS: Tred, that's the 24 deposition of David M. Warren.) 25 G. This is a release from the — from 26 Troy King, the Alabama Attorney General, and it is captioned at the second paragraph below.  15 MR. GRAY, JR			1	
Q. Where is that document? A. It was a part of his formal report that – its pretty much a matter of public knowledge. Q. Well, you apparently saw it I'm assuming? A. Yes, sir. Q. And you reviewed it? A. Yes, sir. Q. Do you have a copy of what you saw and reviewed? A. I saw it at first in a newspaper and pretty much from there. Q. Let me do this if I may. A. There was also a roport issued. MR. THOMAS: Yeah. Let me do this. MR. THOMAS: Yeah. Let me do this to your attorney first. And what I'd like to do is have this marked as Plaintiffs' Exhibit 7. Plaintiffs' Exhibit No. 7 to the deposition of David M. Warren.) Q. Sheriff, let me show you what has been marked as Plaintiffs' Exhibit 7. A. Yes, sir. Q. And it bears the seal of the Office of the Attorney General, and it is gaptioned A.G. King Announces Findings of Hils Gambling Review, and it bears the date of December 1, 2004. The electronic machines must be linked so that players are competing against each other? A. Yes, sir. Q. And it think in this report somewhere the Attorney General states that. Would you look at the second paage? And I take you down to Paragraph from the that that starts with "The games played on these video consoles." Do you see that?  MR. THOMAS: The games played on these video consoles." Do you see that?  MR. THOMAS: The second paragraph from the third one.  The Witness of the Mitness of the Second paragraph below.  THE WITNESS: The second paragraph MR. GRAY, JR.: It's really the third one.  MR. THOMAS: The second one. Do  Page 18  You see it, Fred?  MR. GRAY, JR.: Oh, yeah. You're starting with number two, "Facilities operating" —  MR. GRAY, JR.: Oh, you're down here?  MR. THOMAS: That one right there.  MR. THOMAS: Yeah. It's — do you see that?  MR. THOMAS: That one right there.  MR. THOMAS: That		-		
4 A. It was a part of his formal report that — it's pretty much a matter of public knowledge.  7 Q. Well, you apparently saw it I'm a sasuming?  9 A. Yes, sir.  10 Q. And you reviewed it?  11 A. Yes, sir.  12 Q. Do you have a copy of what you saw and reviewed?  13 and reviewed?  14 A. Yes, sir.  15 Q. And I think in this report somewhere the Attorney General states that.  17 A. There was also a roport issued.  18 MR. THOMAS: Yeah. Let me do this.  19 Let me show this to your attorney first. And what I'd like to do is have this marked as Plaintiffs' Exhibit 7.  10 Plaintiffs' Exhibit No. 7 to the deposition of David M. Warren.)  11 Q. Sheriff, let me show you what has been marked as Plaintiffs' Exhibit 7.  12 Q. And it bears the seal of the Office of the Attorney General, State of Alabama?  14 A. Yes, sir.  15 Q. And I was a part of your bear of your b	i			
that – it's pretty much a matter of public knowledge.  Q. Well, you apparently saw it I'm assuming?  A. Yes, sir.  Q. And you reviewed it?  A. Yes, sir.  Q. Do you have a copy of what you saw and reviewed?  A. I saw it at first in a newspaper and reviewed?  A. I saw it at first in a newspaper and reviewed?  A. I saw it at first in a newspaper and pretty much from there.  C. Let me do this if I may.  A. There was also a roport issued.  MR. THOMAS: Yeah. Let me do this. It is what if like to do is have this marked as Plaintiffs' Exhibit 7.  What I di like to do is have this marked as Plaintiffs' Exhibit 7.  What I di like to do is have this marked as been marked as Plaintiffs' Exhibit No. 7 to the deposition of David M. Warren.)  Q. Sheriff, let me show you what has been marked as Plaintiffs' Exhibit To.  A. Yes, sir.  A. Yes, sir.  Page 186  Page 186  Page 187  Page 187  A. Yes, sir.  A. Yes, sir.  A. Yes, sir.  A. MR. THOMAS: The second paragraph from that that starts with "The games played on these video consoles." Do you see that?  MR. GRAY, JR.: it's really the third one.  MR. THOMAS: The second one. Do  Page 186  Page 187  Page 187  MR. GRAY, JR.: Oh, yeah. You're picking up in the middle of the sentence.  A. Yes, sir.  MR. GRAY, JR.: Computer like devices where multiple cards can be played devices where multiple cards can be played on these video consoles where the bing of the sentence.  A. Yes, sir.  MR. GRAY, JR.: Oh, yeah. You're seating with number two, "Facilities operating" —  MR. GRAY, JR.: Oh, you're down here?  MR. GRAY, JR.: Oh, you're down here?  MR. THOMAS: That one right there.  MR. THOMAS: Yeah. It's — do you see it?  MR. GRAY, JR.: Oh, you're down here?  MR. GRAY, JR.: Oh, you're down here?  MR. GRAY, JR.: You're down here?  MR. GRAY, JR.: Yeah, Ik'now. It's implementation on the second paragraph from the second paragraph from that that starts with "The games played on these video consoles." Do you see that?  MR. GRAY, JR.: Oh, yeah. Yeah. It's — do you see it. Fred?  MR. GRAY, JR.: Oh, yeah		3		
knowledge.  7 Q. Well, you apparently saw it I'm assuming? 9 A. Yes, sir. 10 Q. And you reviewed it? 11 A. Yes, sir. 12 Q. Do you have a copy of what you saw and reviewed? 13 and reviewed? 14 A. I saw it at first in a newspaper 15 and pretty much from there. 16 Q. Let me do this if I may. 17 A. There was also a report issued. 18 MR. THOMAS: Yeah. Let me do this. 19 Let me show this to your attorney first. And 20 what I'd like to do is have this marked as 21 Plaintiffs' Exhibit 7. 22 (Whereupon, said document was 23 marked for identification as  Page 186  1 Plaintiffs' Exhibit No. 7 to the deposition of David M. Warren.) 3 Q. Sheriff, let me show you what has 4 been marked as Plaintiffs' Exhibit 7. 5 A. Yes, sir. 6 Q. This is a release from the – from 7 Troy King, the Alabama Attorney General, and it is captioned A.G. King Announces Findings of His 9 Gambling Review, and it bears the date of 10 December 1, 2004. 11 A. Yes, sir. 12 Q. And it bears the seal of the Office of the Attorney General, State of Alabama? 14 A. Yes, sir. 15 Q. And it bears the seal of the Office of the Attorney General, State of Alabama? 16 release? 17 A. Uh-huh (affirmative). 18 Q. And I would ask you if you would 19 review this document and see if it is what you saw or reviewed as a part of your basis for your 21 second amended and restated rules? 21 second amended and restated rules? 22 saw or reviewed as a part of your basis for your 21 second amended and restated rules?	l .	•		
assuming?  A. Yes, sir.  Q. And you reviewed it?  A. Yes, sir.  Q. Do you have a copy of what you saw and reviewed?  A. I saw it at first in a newspaper  A. I saw it at first in a newspaper  A. I saw it at first in a newspaper  A. There was also a report issued.  MR. THOMAS: Yeah. Let me do this.  Let me show this to your attorney first. And 20 what I'd like to do is have this marked as  Plaintiffs' Exhibit 7.  Whereupon, said document was 23 marked for identification as  Page 186  A. Yes.  Q. And then the second paragraph from that that starts with "The games played on these video consoles." Do you see that?  MR. THOMAS: Fred, that's the second paragraph below.  THE WITNESS: The second paragraph MR. GRAY, JR.: It's really the third one.  MR. THOMAS: The second paragraph MR. GRAY, JR.: Oh, yeah. You're picking up in the middle of the sentence.  MR. THOMAS: Yeah. It's – do you see it,  "Whereupon, said document was been marked as Plaintiffs' Exhibit No. 7 to the deposition of David M. Warren.)  Q. Sheriff, let me show you what has been marked as Plaintiffs' Exhibit 7.  A. Yes, sir.  Q. This is a release from the – from Troy King, the Alabama Attorney General, and it is captioned A.G. King Announces Findings of His Gambling Review, and it bears the date of December 1, 2004.  A. Yes, sir.  A. Yes, sir.  A. Yes, sir.  A. Yes, sir.  MR. GRAY, JR.: Ch, yeah. You're starting with number two, "Facilities operating" –  MR. GRAY, JR.: Computer like devices where multiple cards can be played simultaneously, to video consoles where the Attorney General, States of Alabama?  MR. GRAY, JR.: Ch, you're down here.  MR. THOMAS: Yeah. It's – do you see that, would a see if it is whiat it with a second paragraph from that that starts with "The games played on these video consoles." Do you see that, and that that starts with "The games played on these video consoles." Do you see that?  MR. GRAY, JR.: Oh, yeah. You're starting with number two?  MR. GRAY,				
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122 A. 165, SII, 165, II IS. 122 Second.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Plaintiffs' Exhibit No. 7 to the deposition of David M. Warren.)  Q. Sheriff, let me show you what has been marked as Plaintiffs' Exhibit 7.  A. Yes, sir.  Q. This is a release from the from Troy King, the Alabama Attorney General, and it is captioned A.G. King Announces Findings of His Gambling Review, and it bears the date of December 1, 2004.  A. Yes, sir.  Q. And it bears the seal of the Office of the Attorney General, State of Alabama?  A. Yes, sir.  Q. And it's also captioned a news release?  A. Uh-huh (affirmative).  Q. And I would ask you if you would review this document and see if it is what you saw or reviewed as a part of your basis for your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	you see it, Fred?  MR. GRAY, JR.: Oh, yeah. You're picking up in the middle of the sentence.  MR. THOMAS: Yeah. It's — do you see it?  MR. GRAY: You're starting with number two, "Facilities operating" —  MR. GRAY, JR.: Computer like devices where multiple cards can be played simultaneously, to video consoles where the bingo game is simulated using computer chips.  MR. THOMAS: That one right there (pointing).  MR. GRAY, JR.: Oh, you're down here?  MR. THOMAS: Yeah. Right here. But it's under two now.  MR. GRAY, JR.: Yeah, I know. It's in the third paragraph.  MR. THOMAS: Yeah.
23 Q. It is. Okay. Now, I think, as 23 MR. GRAY: Is that the one under	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Plaintiffs' Exhibit No. 7 to the deposition of David M. Warren.)  Q. Sheriff, let me show you what has been marked as Plaintiffs' Exhibit 7.  A. Yes, sir.  Q. This is a release from the from Troy King, the Alabama Attorney General, and it is captioned A.G. King Announces Findings of His Gambling Review, and it bears the date of December 1, 2004.  A. Yes, sir.  Q. And it bears the seal of the Office of the Attorney General, State of Alabama?  A. Yes, sir.  Q. And it's also captioned a news release?  A. Uh-huh (affirmative).  Q. And I would ask you if you would review this document and see if it is what you saw or reviewed as a part of your basis for your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	you see it, Fred?  MR. GRAY, JR.: Oh, yeah. You're picking up in the middle of the sentence.  MR. THOMAS: Yeah. It's — do you see it?  MR. GRAY: You're starting with number two, "Facilities operating" —  MR. GRAY, JR.: Computer like devices where multiple cards can be played simultaneously, to video consoles where the bingo game is simulated using computer chips.  MR. THOMAS: That one right there (pointing).  MR. GRAY, JR.: Oh, you're down here?  MR. THOMAS: Yeah. Right here. But it's under two now.  MR. GRAY, JR.: Yeah, I know. It's in the third paragraph.  MR. THOMAS: Yeah.  MR. THOMAS: Yeah.  MR. GRAY, JR.: You said the

	Page 189		Page 191
1	bingo has evolved, under that sentence in that	1	A. Uh-huh (affirmative).
2	paragraph?	2	Q. This restriction shall be noted on
3	MR. THOMAS: Yes.	3	all Class B licenses issued hereafter. At no
4	THE WITNESS: Yes, I see it.	4	time shall there be issued and outstanding more
5	MR. GRAY, JR.: Start the sentence	5	than sixty (60) Class B licenses for the
6	again, Ken.	6	operation of bingo in Macon County.
7	MR. THOMAS: Well, the paragraph	7	Sheriff, my question to you, what
8	starts, "The games played on these video	8	caused you to implement this further requirement
9	consoles."	9	for a Class B license?
10	MR. GRAY, JR.: Right.	10	A. I will refer to the commentary. No
11	MR. THOMAS: Okay. Then it moves	11	one I couldn't have ever known how bingo was
12	down to, "Second, just as in traditional bingo	12	going to just explode. My department is limited
13	halls, players on the machines must compete	13	in its manpower and its resources right now.
14	against one another."	14	That, along with the Attorney
15	Q. Do you see that, sheriff?	15	General's language to add some limits to Class B
16	A. Yes, sir.	16	bingo in Macon County with the number of people
17	Q. And then it concludes with the	17	playing, the number of just the shear number
18	sentence, "If the machines at any facility	18	of people that were participating in this
19	should ever be determined to be operating	19	activity, the demands that it puts on my limited
20	independently or hosting games for single	20	resources that are available right now.
21	participants, then these facilities would be	21	That was more so my thinking in
22	operating outside the bounds of the	22	enacting this these changes this
23	constitutional grant and would be subject to the	23	particular change.
	Page 190		Page 192
1	appropriate legal action.	1	Q. But, sheriff, if I recall I'll
2	A. Yes, sir.	2	ask you to return to A.G. King's announcement of
3	Q. Okay. So, the effort here was to	3	his findings on gambling review.
4	make sure that these machines competed against	4	A. Yes.
5	each other?	5	Q. I've reviewed this particular
6	A. Yes, sir.	6	document thoroughly, and I don't see any
7	Q. Now, one of the other changes you	7	language that would suggests that Attorney
8	made and this would be in Section 2. I would	8	General Troy King was saying there had to be any
9	direct you to Section 2 on Page 4.	9	limitation.
10	A. Yes, sir.	10	I think he basically stated that in
11	Q. It states no Class B licensee do	11	the electronic bingo, as you stated in your
12	you see that language? It's probably the second	12	rules, the electronic bingo machines must
13	sentence in Section 2.	13	compete against one another.
14	A. Section 2.	14	A. Yes.
15	Q. Right there, right above the four	15	Q. And then, if I could, let me just
16	on Page 2.	16	return to the Attorney General's statement at
17	A. Right, right.	17	Page 3. The page is at the top.
18	Q. No Class B licensee shall be	18	A. Page 3.
19	authorized to operate bingo at any qualified	19	<ul><li>Q. And you see this first full</li></ul>
20	location, as defined herein, unless a minimum of	20	paragraph?
	50 (45) Y 1 1 1 1 5 1 1 1 1 5 0 1	21	A. Uh-huh (affirmative).
21	fifteen (15) applicants shall first obtain Class	î	
21 22	B licenses for such location.	22	Q. Attorney General King's conclusion is that as a matter of law, machines that

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	Page 193		Page 195
1	operate in the manner described under the broad	1	bingo in Macon County. My department is
2	language of Amendment 744 relating to Macon	2	challenged quite a bit just to deal with the
3	County is legal.	3	everyday law enforcement issues as they arise in
4	A. Uh-huh (affirmative).	4	Macon County. And to and to allow my my
5	Q. Isn't it?	5	office to sort of get in step with what's going
6	A. Yes.	6	on there, I felt it necessary to limit charities
7	Q. I saw nowhere in this report and	7	at this point in time. That's
8	that's why I'm asking you is this the report you	8	Q. I don't want to cut you off. Are
9	looked at that would say that you had to	9	you finished?
10	limit the number of machines.	10	A. That's it.
11	MR. GRAY, JR.: You're just asking	11	Q. Go to Page 13. That's a part of
	is this the report he looked at?	12	your commentary.
12	MR. THOMAS: Yeah. Well, that's	13	A. Yes, sir.
13		14	Q. And if I may just interject this,
14	one question. And I think he's already said he		who prepared the second restated rules?
15	looked at this report.	15	• •
16	MR. GRAY, JR.: Right.	16	A. They were a collaboration between
17	MR. THOMAS: All right. And I'm	17	me and my attorney as always.
18	saying in his language and his commentary he	18	Q. So, you and your attorney wrote the
19	says that he's following the policy of the	19	commentary, also, right?
20	Attorney General in limiting the conduct of	20	A. Yes.
21	Class B bingo gaming in Macon County.	21	Q. And when you look at Section 2, you
22	THE WITNESS: The	22	state very clearly that a new sentence has been
23	MR. GRAY, JR.: He hasn't asked you	23	added to the end of Section 2 to limit the
	Page 194		Page 196
1	a question.	1	number of Class B licenses that may be issued in
2	THE WITNESS: Oh, okay.	2	order to follow the policy of the Attorney
3	Q. (By Mr. Thomas) Well, let's go to	3	General to limit Class B bingo gaming activities
4	your preamble, sheriff, your introduction here.	4	in Macon County, Alabama
5	You state very clearly in the last sentence, "to	5	A. Yes.
6	further adopt the policy of the Attorney General	6	Q and to allow the sheriff to more
7	in limiting the conduct of Class B bingo gaming	7	effectively regulate and enforce the proper
8	in Macon County," right?	8	conduct of such bingo games.
9	A. Uh-huh (affirmative).	9	Now, do you agree with me that
10	Q. And my question to you, what policy	10	nowhere in the Attorney General's report does he
11	of the Attorney General suggests to you that he	11	articulate any limitation on the number of Class
12	wanted to limit the conduct of Class B bingo	12	B licenses in Macon County?
13	gaming in Macon County?	13	A. The Attorney General may not have
1		14	articulated that, but being the sheriff of Macon
14	A. I looked at this first page. I	15	County and the person responsible for regulating
15	know those are the Attorney General's personal	1	and dealing with this issue, again, I this
1 20	feelings, but those that alone was not my	16	this my department, the sheriff's office,
16			nos any december and sperm's durie
17	sole reason for doing this.	17	•
17 18	As I said, no one I surely	18	needs to catch up with the progress that is made
17 18 19	As I said, no one I surely couldn't have ever known that bingo would just	18 19	needs to catch up with the progress that is made in bingo at this time in Macon County.
17 18	As I said, no one I surely	18	needs to catch up with the progress that is made

49 (Pages 193 to 196)

21

22

23

21

22

As it stands right now in its

present time, my department has to sort of catch up with the progress that is made in gaming and

Yes, sir.

So, for accuracy purposes now,

those references in these bingo regulations that

A.

Q.

	Page 197		Page 199
1	make reference to some type of limitation by the	1	attorneys documents that reflect on their
2	Attorney General of Class B bingo gaming in	2	heading 2006 Class B bingo licenses.
3	Macon County is inaccurate?	3	A. Yes, sir.
4	MR. GRAY, JR.: No. That's not –	4	Q. I counted 62.
5	THE WITNESS: I wouldn't -	5	A. There are
6	MR. GRAY, JR.: Okay.	6	MR. GRAY, JR.: No, no. He didn't
7	MR. THOMAS: Well, again, show me	7	ask you a question.
8	the language. Show me anything from the	8	THE WITNESS: Oh, okay.
9	Attorney General that says that Class B bingo	9	MR. GRAY, JR.: He counted 62.
10	gaming in Macon County should be limited.	10	Q. (By Mr. Thomas) I counted 62 in
11	MR. GRAY: I think he admitted to	11	the production.
12	you that that's not in the language.	12	A. Yes, sir.
13	MR. THOMAS: Okay.	13	Q. In fact, is there currently for
14	MR. GRAY: But there certainly are	14	2006, 62 Class B bingo licenses?
15	inferences all over it about there	15	A. No, sir.
16	Q. (By Mr. Thomas) I understand.	16	Q. Could you explain to me of these 62
17	But, again, to say that the Attorney General has	17	that I've counted the two that are not active.
18	limited the number of Class B bingo licenses in	18	A. I probably
19	Macon County or has a desire to do so is	19	Q. Do you need to look at them?
20	inaccurate?	20	A. Yes.
21	A. Not entirely inaccurate.	21	Q. Okay. I know I counted 62.
22	Q. Well, he hasn't well, show me	22	Sheriff, I think that this is going to complete
23	where he said that or he has done something to	23	the licenses that your attorney has provided to
	Page 198		Page 200
1	infer that.	1	me.
2	A. Again, as I said, at this point in	2	<ul> <li>A. Yes, sir. South Macon is one, and</li> </ul>
3	time in Macon County with gaming with the	3	Washington Public School should be the other.
4	bingo activity being what it is and my limited	4	I'm just trying to get to it in here. That one
5	resources to adequately regulate and deal with	5	is no longer a charity. That school was closed.
6	this subject as a whole, I felt it necessary to	6	Q. Excuse me for a second. You're
7	enact to make those changes.	7	saying this one?
8	<ul> <li>Q. I think you've answered my question</li> </ul>	8	MR. GRAY, JR.: Yes. South Macon
9	and it's been confirmed by your attorney	9	Elementary?
10	that the Attorney General has not limited the	10	THE WITNESS: Yes, sir. South
11	number of	11	Macon School was closed and – bear with me
12	A. No.	12	here.
13	Q. Okay.	13	MR. GRAY, JR.: You can tell him
14	A. No.	14	the other one, even while you're
15	<ul> <li>Q. Good. At no time shall there be be</li> </ul>	15	THE WITNESS: And Washington Public
1 '~	outstanding more than sixty (60) Class B	16	School was also closed.
16	· · · · · · · · · · · · · · · · · · ·	. 47	MR. THOMAS: Got you.
	licenses for the operation of bingo in Macon	17	
16	licenses for the operation of bingo in Macon County. All right.	18	THE WITNESS: Those were the two
16 17	licenses for the operation of bingo in Macon County. All right. A. Uh-huh (affirmative).	18 <b>1</b> 9	that were let me it's probably in here if
16 17 18 19 20	licenses for the operation of bingo in Macon County. All right. A. Uh-huh (affirmative). Q. And that has been the law since	18 19 20	that were let me it's probably in here if you counted 62. If you counted 62, that was
16 17 18 19 20 21	licenses for the operation of bingo in Macon County. All right.  A. Uh-huh (affirmative). Q. And that has been the law since January 6th, 2005?	18 19 20 21	that were — let me — it's probably in here if you counted 62. If you counted 62, that was one.
16 17 18 19 20	licenses for the operation of bingo in Macon County. All right. A. Uh-huh (affirmative). Q. And that has been the law since January 6th, 2005? A. Yes, sir.	18 19 20	that were let me it's probably in here if you counted 62. If you counted 62, that was

	Page 201		Page 203
_		4	license in Macon County, it could not be granted
1	A. South Macon School was closed.	1 2	at this time?
2	Q. And?  A. And Washington Public School was	3	A. At this time.
3	-	4	Q. Based on your rules?
4	closed.	5	A. Yes.
5	Q. Got you.  MR. GRAY, JR.: Do you still need	6	Q. And in essence – and, also, I want
6	it because he's answered your question.	7	to make sure this is clear.
8	THE WITNESS: If you have them in	8	All 60 Class B licenses that your
9	here. Wait a minute. If you're counting 62,	9	office has issued are operating at the license
10	you're probably counting Washington Public and	10	location of Macon County Greyhound Park, doing
11	South Macon.	11	business as VictoryLand?
12	MR. GRAY: He's got it, sheriff.	12	A. Right now.
13	Q. (By Mr. Thomas) So, sheriff, I	13	Q. So, VictoryLand at this time has
14	think your attorney has	14	all of the charities for the licenses that
15	A. Yeah. Here it is, Washington	15	you've issued?
16	Public Elementary School.	16	A. Yes, sir.
17	Q. If I may, just following your	17	<ul> <li>Q. And if anybody else at this time</li> </ul>
18	examination of the certificates that were	18	wanted to get a Class B license, it could not do
19	produced, the 2006 Class B bingo licenses that	19	so?
20	were produced, you have stated to me that the	20	A. Not at this time.
21	one for Washington Public Elementary School and	21	<ul> <li>Q. Got you. Based on what you had</li> </ul>
22	for South Macon Elementary School are no longer	22	described, what does the limitation of 60 Class
23	in force and effect?	23	B licenses being issued at any one time do to
	Page 202		Page 204
1	A. Yes, sir.	1	serve those purposes?
١.	Q. And would you explain why they're	1	the state of the s
12		2	I think I understood you to testify
2 3		3	that your office could only handle what it's
3	no longer in effect?	1	
i	no longer in effect?  A. The schools closed.	3	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.
3 4	no longer in effect?  A. The schools closed.  Q. Now, based on the production of the	3 4	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff,
3 4 5	no longer in effect?  A. The schools closed.  Q. Now, based on the production of the licenses by your attorneys and your	3 4 5	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.
3 4 5 6	no longer in effect?  A. The schools closed.  Q. Now, based on the production of the	3 4 5 6	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.  Again, would you articulate to me
3 4 5 6 7	no longer in effect?  A. The schools closed.  Q. Now, based on the production of the licenses by your attorneys and your re-examination of the licenses, at this time	3 4 5 6 7 8 9	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.  Again, would you articulate to me the reason for the limitation of 60 Class B
3 4 5 6 7 8	no longer in effect?  A. The schools closed.  Q. Now, based on the production of the licenses by your attorneys and your re-examination of the licenses, at this time there are only 60 Class B licenses for the operation of bingo in Macon County?  A. Yes, sir.	3 4 5 6 7 8 9	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.  Again, would you articulate to me the reason for the limitation of 60 Class B licenses?
3 4 5 6 7 8 9	no longer in effect?  A. The schools closed.  Q. Now, based on the production of the licenses by your attorneys and your re-examination of the licenses, at this time there are only 60 Class B licenses for the operation of bingo in Macon County?  A. Yes, sir.  Q. I guess my question now at no	3 4 5 6 7 8 9 10 11	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.  Again, would you articulate to me the reason for the limitation of 60 Class B licenses?  A. The Class B licenses, the limit on
3 4 5 6 7 8 9	no longer in effect?  A. The schools closed.  Q. Now, based on the production of the licenses by your attorneys and your re-examination of the licenses, at this time there are only 60 Class B licenses for the operation of bingo in Macon County?  A. Yes, sir.  Q. I guess my question now — at no time shall there be issued and outstanding more	3 4 5 6 7 8 9 10 11 12	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.  Again, would you articulate to me the reason for the limitation of 60 Class B licenses?  A. The Class B licenses, the limit on Class B licenses, at this point in time would
3 4 5 6 7 8 9 10	A. The schools closed. Q. Now, based on the production of the licenses by your attorneys and your re-examination of the licenses, at this time there are only 60 Class B licenses for the operation of bingo in Macon County? A. Yes, sir. Q. I guess my question now at no time shall there be issued and outstanding more than sixty (60) Class B licenses for the	3 4 5 6 7 8 9 10 11 12 13	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.  Again, would you articulate to me the reason for the limitation of 60 Class B licenses?  A. The Class B licenses, the limit on Class B licenses, at this point in time would limit bingo activity to — would limit bingo
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3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. The schools closed. Q. Now, based on the production of the licenses by your attorneys and your re-examination of the licenses, at this time there are only 60 Class B licenses for the operation of bingo in Macon County? A. Yes, sir. Q. I guess my question now — at no time shall there be issued and outstanding more than sixty (60) Class B licenses for the operation of bingo in Macon County. Would you state for me, sheriff, what you or what your office does to ensure that there are not more than 60 Class B licenses at any one time in Macon County?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.  Again, would you articulate to me the reason for the limitation of 60 Class B licenses?  A. The Class B licenses, the limit on Class B licenses, at this point in time would limit bingo activity to — would limit bingo activity in Macon County to a level that we can deal with right now.  Q. Are there any other considerations in support of your limitation of only 60 Class B licenses for the operation of bingo in Macon
3 4 4 5 6 7 8 9 10 11 12 13 144 15 16 17 18 19	A. The schools closed. Q. Now, based on the production of the licenses by your attorneys and your re-examination of the licenses, at this time there are only 60 Class B licenses for the operation of bingo in Macon County? A. Yes, sir. Q. I guess my question now — at no time shall there be issued and outstanding more than sixty (60) Class B licenses for the operation of bingo in Macon County. Would you state for me, sheriff, what you or what your office does to ensure that there are not more than 60 Class B licenses at any one time in Macon County? A. Once there are 60 if none leave, we	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.  Again, would you articulate to me the reason for the limitation of 60 Class B licenses?  A. The Class B licenses, the limit on Class B licenses, at this point in time would limit bingo activity to — would limit bingo activity in Macon County to a level that we can deal with right now.  Q. Are there any other considerations in support of your limitation of only 60 Class B licenses for the operation of bingo in Macon County being implemented?
3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. The schools closed. Q. Now, based on the production of the licenses by your attorneys and your re-examination of the licenses, at this time there are only 60 Class B licenses for the operation of bingo in Macon County? A. Yes, sir. Q. I guess my question now — at no time shall there be issued and outstanding more than sixty (60) Class B licenses for the operation of bingo in Macon County. Would you state for me, sheriff, what you or what your office does to ensure that there are not more than 60 Class B licenses at any one time in Macon County? A. Once there are 60 if none leave, we don't issue anymore.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.  Again, would you articulate to me the reason for the limitation of 60 Class B licenses?  A. The Class B licenses, the limit on Class B licenses, at this point in time would limit bingo activity to — would limit bingo activity in Macon County to a level that we can deal with right now.  Q. Are there any other considerations in support of your limitation of only 60 Class B licenses for the operation of bingo in Macon County being implemented?  MR. GRAY, JR.: Other than what
3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. The schools closed. Q. Now, based on the production of the licenses by your attorneys and your re-examination of the licenses, at this time there are only 60 Class B licenses for the operation of bingo in Macon County? A. Yes, sir. Q. I guess my question now at no time shall there be issued and outstanding more than sixty (60) Class B licenses for the operation of bingo in Macon County. Would you state for me, sheriff, what you or what your office does to ensure that there are not more than 60 Class B licenses at any one time in Macon County? A. Once there are 60 if none leave, we don't issue anymore. Q. So, hypothetically, if ABC	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.  Again, would you articulate to me the reason for the limitation of 60 Class B licenses?  A. The Class B licenses, the limit on Class B licenses, at this point in time would limit bingo activity to — would limit bingo activity in Macon County to a level that we can deal with right now.  Q. Are there any other considerations in support of your limitation of only 60 Class B licenses for the operation of bingo in Macon County being implemented?  MR. GRAY, JR.: Other than what he's already articulated?
3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. The schools closed. Q. Now, based on the production of the licenses by your attorneys and your re-examination of the licenses, at this time there are only 60 Class B licenses for the operation of bingo in Macon County? A. Yes, sir. Q. I guess my question now — at no time shall there be issued and outstanding more than sixty (60) Class B licenses for the operation of bingo in Macon County. Would you state for me, sheriff, what you or what your office does to ensure that there are not more than 60 Class B licenses at any one time in Macon County? A. Once there are 60 if none leave, we don't issue anymore. Q. So, hypothetically, if ABC nonprofit charity, along with 15 other	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that your office could only handle what it's handling now. I'm assuming, in essence, that's what you said.  Well, let me do this then, sheriff, since you look like you're a little puzzled.  Again, would you articulate to me the reason for the limitation of 60 Class B licenses?  A. The Class B licenses, the limit on Class B licenses, at this point in time would limit bingo activity to — would limit bingo activity in Macon County to a level that we can deal with right now.  Q. Are there any other considerations in support of your limitation of only 60 Class B licenses for the operation of bingo in Macon County being implemented?  MR. GRAY, JR.: Other than what he's already articulated?  MR. THOMAS: Yes. And what I have

	Page 205		Page 207
1	we can deal with right now.	1	qualified location is VictoryLand?
2	MR. GRAY, JR.: And he's saying in	2	A. Yes.
3	furtherance of the Attorney General's	3	Q. Now, from each license that you
4	statements. Or policy may have been what he	4	issue you get well, I'm sorry. For each
5	said.	5	Class B license that you issue, as I understand,
6	MR. GRAY: And I think he also in	6	there is a fee paid of a \$1,000, isn't it?
7	referring to the Attorney General implied, as he	7	A. Yes.
8	understood there, that there was some	8	Q. So, if you issued more licenses,
9	indication, even though he didn't specifically	9	you get more thousand dollars?
10	say a limit. But that was his interpretation of	10	A. Yes.
11	it.	11	Q. And revenue can help raise your
12	Q. (By Mr. Thomas) Okay. So, we got	12	staff to a level that you could deal with it,
13	his interpretation of what Attorney General King	13	right?
14	did not say and to limit bingo activity to a	14	A. Exactly.
15	level that he well, we can deal with right	15	Q. So, why not issue more licenses?
16	now.	16	Because at this point in time we
17	Are those your two considerations?	17	are dealing with what we can reasonably deal
18	A. More than the Attorney General's	18	with right now.
19	language, is considering the demands put on the	19	Q. Why 60? Why not 55?
20	Macon County sheriff's department right now.	20	Sixty just happened to be the
21	<ul> <li>Q. That's part and parcel of being at</li> </ul>	21	number we settled on.
22	a level that we can deal with right now.	22	Q. Did you come up with the number of
23	A. Yes, sir.	23	60?
	Page 206		Page 208
1	Q. So, they're one and of the same?	1	A. Pretty much.
2	A. Yes.	2	Q. Did anybody else suggest 70?
3	Q. So, again, your interpretation of	3	<ul> <li>A. There were some other entities who</li> </ul>
4	what the Attorney General said is one	4	wanted to participate in bingo, but at this time
5	consideration for the limitation?	5	you are going to have to put with our ability
6	A. Yes, sir.	6	to respond and to deal with this this
7	<ul> <li>Q. And the second limitation is your</li> </ul>	7	situation, we had to put a limit somewhere.
8	belief that limiting the bingo activity to this	8	Q. Why don't you state for me
9	standard reduces it to a level that you can deal	9	specifically what actions your office takes to
10	with right now? These are the two?	10	regulate licenses.
144	A. At this time.	11	<ul> <li>A. We do all the investigative stuff,</li> </ul>
11	A. At this time.		
11 12	Q. Now, are there anymore?	12	the background, the backgrounds, all of the
1	<ul><li>Q. Now, are there anymore?</li><li>A. No.</li></ul>	12 13	investigations. We maintain all the records.
12	<ul><li>Q. Now, are there anymore?</li><li>A. No.</li><li>Q. Okay. So, those are the two.</li></ul>	1	investigations. We maintain all the records. We maintain patrols at VictoryLand, three
12 13	<ul><li>Q. Now, are there anymore?</li><li>A. No.</li><li>Q. Okay. So, those are the two.</li><li>Now, in effect, what you have done</li></ul>	13 14 15	investigations. We maintain all the records. We maintain patrols at VictoryLand, three shifts. If there is any criminal — if anything
12 13 14 15 16	<ul> <li>Q. Now, are there anymore?</li> <li>A. No.</li> <li>Q. Okay. So, those are the two.</li> <li>Now, in effect, what you have done through this limitation is limited bingo, Class</li> </ul>	13 14 15 16	investigations. We maintain all the records.  We maintain patrols at VictoryLand, three shifts. If there is any criminal — if anything happens at VictoryLand of a criminal nature, we
12 13 14 15 16 17	<ul> <li>Q. Now, are there anymore?</li> <li>A. No.</li> <li>Q. Okay. So, those are the two.</li> <li>Now, in effect, what you have done through this limitation is limited bingo, Class</li> <li>B bingo, to an operation at only one location.</li> </ul>	13 14 15 16 17	investigations. We maintain all the records. We maintain patrols at VictoryLand, three shifts. If there is any criminal — if anything happens at VictoryLand of a criminal nature, we pretty much deal with that.
12 13 14 15 16 17 18	<ul> <li>Q. Now, are there anymore?</li> <li>A. No.</li> <li>Q. Okay. So, those are the two.</li> <li>Now, in effect, what you have done through this limitation is limited bingo, Class</li> <li>B bingo, to an operation at only one location.</li> <li>A. At present</li> </ul>	13 14 15 16 17 18	investigations. We maintain all the records.  We maintain patrols at VictoryLand, three shifts. If there is any criminal — if anything happens at VictoryLand of a criminal nature, we pretty much deal with that.  Q. Let me see if I can follow this.
12 13 14 15 16 17	<ul> <li>Q. Now, are there anymore?</li> <li>A. No.</li> <li>Q. Okay. So, those are the two. Now, in effect, what you have done through this limitation is limited bingo, Class B bingo, to an operation at only one location. A. At present MR. GRAY, JR.: No. He hasn't </li> </ul>	13 14 15 16 17 18 19	investigations. We maintain all the records.  We maintain patrols at VictoryLand, three shifts. If there is any criminal — if anything happens at VictoryLand of a criminal nature, we pretty much deal with that.  Q. Let me see if I can follow this.  As you and I have just gone over, there are
12 13 14 15 16 17 18 19 20	<ul> <li>Q. Now, are there anymore?</li> <li>A. No.</li> <li>Q. Okay. So, those are the two.</li> <li>Now, in effect, what you have done through this limitation is limited bingo, Class</li> <li>B bingo, to an operation at only one location.</li> <li>A. At present</li> </ul>	13 14 15 16 17 18 19 20	investigations. We maintain all the records.  We maintain patrols at VictoryLand, three shifts. If there is any criminal — if anything happens at VictoryLand of a criminal nature, we pretty much deal with that.  Q. Let me see if I can follow this.  As you and I have just gone over, there are currently outstanding 60 licenses for Class B
12 13 14 15 16 17 18 19 20 21	<ul> <li>Q. Now, are there anymore?</li> <li>A. No.</li> <li>Q. Okay. So, those are the two.</li> <li>Now, in effect, what you have done through this limitation is limited bingo, Class</li> <li>B bingo, to an operation at only one location.</li> <li>A. At present MR. GRAY, JR.: No. He hasn't asked a question. He's telling you something apparently.</li> </ul>	13 14 15 16 17 18 19 20 21	investigations. We maintain all the records.  We maintain patrols at VictoryLand, three shifts. If there is any criminal — if anything happens at VictoryLand of a criminal nature, we pretty much deal with that.  Q. Let me see if I can follow this.  As you and I have just gone over, there are currently outstanding 60 licenses for Class B licenses, right?
12 13 14 15 16 17 18 19 20	<ul> <li>Q. Now, are there anymore?</li> <li>A. No.</li> <li>Q. Okay. So, those are the two.</li> <li>Now, in effect, what you have done through this limitation is limited bingo, Class</li> <li>B bingo, to an operation at only one location.</li> <li>A. At present MR. GRAY, JR.: No. He hasn't asked a question. He's telling you something apparently.</li> <li>THE WITNESS: Yes.</li> </ul>	13 14 15 16 17 18 19 20	investigations. We maintain all the records.  We maintain patrols at VictoryLand, three shifts. If there is any criminal — if anything happens at VictoryLand of a criminal nature, we pretty much deal with that.  Q. Let me see if I can follow this.  As you and I have just gone over, there are currently outstanding 60 licenses for Class B

	Page 209		Page 211
		1	October do you use October 1 to September
1	A. License. Q license. That's \$60,000?	1 2	30th?
2	· · · · · · · · · · · · · · · · · · ·	3	A. Yes.
3 4	A. Yes.  Q. The location fee for the qualified	4	Q. So, from October 1, 2005, to
5	location as you described is \$250,000?	5	September 30th, 2006, what's your budget
6	A. Uh-huh (affirmative).	6	approximately?
7	Q. So, that's —	7	A. Approximately \$800,000.
8	A. Yes.	8	Q. And is this \$310,000 that I have
9	Q. Just roughly speaking, that's	9	summarily identified a part of the \$800,000?
10	\$310,000 a year?	10	A. No.
11	A. Uh-huh (affirmative).	11	Q. So, if you factor in the \$310,000,
12	Q. And it's your testimony that that	12	that means your budget for this year would be
13	is insufficient to regulate Class B licensing,	13	about \$1.1 million?
14	\$310,000?	14	A. If you factor in the bingo, maybe.
15	A. You're looking at only the bingo	15	I don't have the figures here in front of me,
16	part of it. We run a 24 hour a day, 365 days a	16	but maybe.
17	year, 7,614 square mile sheriff's office.	17	Q. But you do a budget every year,
18	Q. And when you say "we," who are you	18	don't you?
19	making reference to?	19	A. Yes.
20	A. The Macon County Sheriff's Office.	20	Q. And you've been doing one since
21	Q. Currently, what's the number of	21	'95?
22	your staff, officers, support staff, what have	22	A. Yes.
23	you? How many people do you employ?	23	Q. So, you've pretty much got a feel
		£	
	Page 210		Page 212
1		1	Page 212 for how much money you spend a year, don't you?
1 2	A. Thirty-six. That's staff.	1 2	
2		ł	for how much money you spend a year, don't you?
1	<ul><li>A. Thirty-six. That's staff.</li><li>Q. Okay. How many law enforcement</li></ul>	2	for how much money you spend a year, don't you?  A. Pretty much. Q. You are the sheriff? A. Yes.
2	<ul><li>A. Thirty-six. That's staff.</li><li>Q. Okay. How many law enforcement officers?</li><li>A. About 15.</li></ul>	2 3	for how much money you spend a year, don't you?  A. Pretty much. Q. You are the sheriff? A. Yes. Q. Now, then, if we could, sheriff,
2 3 4	<ul><li>A. Thirty-six. That's staff.</li><li>Q. Okay. How many law enforcement officers?</li><li>A. About 15.</li></ul>	2 3 4	for how much money you spend a year, don't you?  A. Pretty much. Q. You are the sheriff? A. Yes. Q. Now, then, if we could, sheriff, let's go to Section 4. And it states at the
2 3 4 5	<ul> <li>A. Thirty-six. That's staff.</li> <li>Q. Okay. How many law enforcement officers?</li> <li>A. About 15.</li> <li>Q. So, that's a total staff of about</li> </ul>	2 3 4 5	for how much money you spend a year, don't you?  A. Pretty much. Q. You are the sheriff? A. Yes. Q. Now, then, if we could, sheriff, let's go to Section 4. And it states at the last sentence well, Section 4, according to
2 3 4 5 6	<ul> <li>A. Thirty-six. That's staff.</li> <li>Q. Okay. How many law enforcement officers?</li> <li>A. About 15.</li> <li>Q. So, that's a total staff of about 50 or 51 people?</li> </ul>	2 3 4 5 6	for how much money you spend a year, don't you?  A. Pretty much. Q. You are the sheriff? A. Yes. Q. Now, then, if we could, sheriff, let's go to Section 4. And it states at the last sentence — well, Section 4, according to your commentary, the second sentence has been
2 3 4 5 6 7	<ul> <li>A. Thirty-six. That's staff.</li> <li>Q. Okay. How many law enforcement officers?</li> <li>A. About 15.</li> <li>Q. So, that's a total staff of about 50 or 51 people?</li> <li>A. No.</li> </ul>	2 3 4 5 6 7 8 9	for how much money you spend a year, don't you?  A. Pretty much. Q. You are the sheriff? A. Yes. Q. Now, then, if we could, sheriff, let's go to Section 4. And it states at the last sentence — well, Section 4, according to your commentary, the second sentence has been revised to allow licenses to be issued for five
2 3 4 5 6 7 8	<ul> <li>A. Thirty-six. That's staff.</li> <li>Q. Okay. How many law enforcement officers?</li> <li>A. About 15.</li> <li>Q. So, that's a total staff of about</li> <li>50 or 51 people?</li> <li>A. No.</li> <li>Q. What's your total staff?</li> <li>A. That 15 makes up the 30.</li> <li>MR. GRAY, JR.: That's inclusive.</li> </ul>	2 3 4 5 6 7 8 9	for how much money you spend a year, don't you?  A. Pretty much. Q. You are the sheriff? A. Yes. Q. Now, then, if we could, sheriff, let's go to Section 4. And it states at the last sentence — well, Section 4, according to your commentary, the second sentence has been revised to allow licenses to be issued for five (5) years.
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2 3 4 5 6 7 8 9 10 11 12	A. Thirty-six. That's staff. Q. Okay. How many law enforcement officers? A. About 15. Q. So, that's a total staff of about 50 or 51 people? A. No. Q. What's your total staff? A. That 15 makes up the 30. MR. GRAY, JR.: That's inclusive. Q. (By Mr. Thomas) So, your sheriff's department is 30 to 36 people?	2 3 4 5 6 7 8 9 10 11 12	for how much money you spend a year, don't you?  A. Pretty much. Q. You are the sheriff? A. Yes. Q. Now, then, if we could, sheriff, let's go to Section 4. And it states at the last sentence well, Section 4, according to your commentary, the second sentence has been revised to allow licenses to be issued for five (5) years.  A. Uh-huh (affirmative). Q. So, is it a fair assessment that
2 3 4 5 6 7 8 9 10 11 12 13	A. Thirty-six. That's staff. Q. Okay. How many law enforcement officers? A. About 15. Q. So, that's a total staff of about 50 or 51 people? A. No. Q. What's your total staff? A. That 15 makes up the 30. MR. GRAY, JR.: That's inclusive. Q. (By Mr. Thomas) So, your sheriff's department is 30 to 36 people? A. Uh-huh (affirmative).	2 3 4 5 6 7 8 9 10 11 12 13	for how much money you spend a year, don't you?  A. Pretty much. Q. You are the sheriff? A. Yes. Q. Now, then, if we could, sheriff, let's go to Section 4. And it states at the last sentence well, Section 4, according to your commentary, the second sentence has been revised to allow licenses to be issued for five (5) years.  A. Uh-huh (affirmative). Q. So, is it a fair assessment that all of the current licenses that you've issued
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		,	
	Page 213		Page 215
1	VictoryLand, but they can decide to go with	1	Macon County unless 15 of these dissolve?
2 3	whomever. And so those are not hard and fast	2	A. At this time.
1	numbers to us.	3	Q. Now, let's talk about renewal.
4	Q. After your review of what was	4	When these licenses come up for renewal in five
5	produced, we came up with 60 outstanding	5	years, are you obligated to renew them?
6	licenses for 2006, Class B, right?	6	A. Explain that.
7	A. Yes.	7	Q. Well, just simple. When Washington
8	Q. And under the current rules they	8	let me pick out one for you. When the
9	are good for five years?	9	Tuskegee Human & Civil Rights & Multicultural
10	A. Yes.	10	Center comes up for renewal in 2011, would you
11	Q. They can be renewed annually, and	11	state to the Court whether or not you'll renew
12	they have to pay the annual fee of \$1,000?	12	it?
13	A. Yes.	13	A. Yes.
14	<ul><li>Q. But unless 15 of the 60 fall out,</li></ul>	14	Q. You will renew it?
15	fold or otherwise dissolve, you still have to	15	A. Yes.
16	have 15 nonprofit organizations in order to get	16	Q. Okay. And wouldn't the same hold
17	a license?	17	true for the other 59?
18	A. Yes.	18	A. Yes.
19	Q. So, between now, 2006, and 2011	19	Q. Okay, So I got you. Sheriff,
20	what's the likelihood of 15 of these licenses	20	as a matter of fact, these 60 existing Class B
21	not being renewed?	21	licenses in, ain't they?
22	A. I have no idea.	22	A. It's what?
23	<ul> <li>Q. And if for some reason a total of</li> </ul>	23	Q. I mean, they're in?
	Page 214		Page 216
1	15 should not dissolve or otherwise go away, no	1	A. Yes.
2	other nonprofit organization could combine with	2	Q. And they're going to be the only
3	another 14 in order to get 15 to get a license	3	ones running Class B bingo gaming in Macon
4	to operate?	4	County for the next five years? Pretty much,
5	A. Theoretically.		
1		5	· · · · · · · · · · · · · · · · · · ·
6	·	5 6	right?
6	Q. Not theoretically. That's your rule.	6	right?  A. I'm saying at this time.
7	Q. Not theoretically. That's your rule.	6 7	right? A. I'm saying at this time. Q. Yeah. And at VictoryLand?
7 8	Q. Not theoretically. That's your rule.  Because I am correct when you say	6 7 8	right? A. I'm saying at this time. Q. Yeah. And at VictoryLand? A. Uh-huh (affirmative).
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7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Not theoretically. That's your rule.  Because I am correct when you say in your rule that unless a minimum of 15 applicants — and when you say "applicants," that would be nonprofit organizations — A. Organizations.  Q. — right?  A. Uh-huh (affirmative).  Q. Shall obtain Class B licenses for such locations — for such a location. You can't get the Class B license, right?  A. Right.  Q. All 60 right now, currently as issued, are committed to one qualified location?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	right?  A. I'm saying at this time. Q. Yeah. And at VictoryLand? A. Uh-huh (affirmative). Q. Okay. Sheriff, do you think that's fair?  A. Whether I think it's fair or not, the reality of it — of this situation is what I — what I articulated it to be in my opinion. I — and that's it.  MR. THOMAS: Fred, I'd like to move for Plaintiffs' Exhibits 6 and 7 to be made a part of the sheriff's deposition.  MR. GRAY, JR.: No objection. Q. (By Mr. Thomas) Okay. Sheriff, if I may, let me get to — sheriff, do you have any

	Page 217		Page 219
1	VictoryLand?	1	MR. THOMAS: – but right now it's
2	A. Yes.	2	just the licenses.
3	Q. And how are you aware of it?	3	MR. GRAY, JR.: Okay. So, that's
4	A. It's pretty much general knowledge.	4	going to be composite
5	Q. It's what knowledge?	5	MR. THOMAS: Eight.
6	A. Pretty much general knowledge.	6	MR. GRAY, JR.: eight.
7	Q. But as sheriff you a have a right	7	(Whereupon, said document was
8	to know that information?	8	marked for identification as
9	A. Yes.	9	Plaintiff's Exhibit No. 8 to the
10	Q. And you have exercised that right?	10	deposition of David M. Warren.)
11	A. Yes.	11	Q. (By Mr. Thomas) Sheriff, if you
12	Q. And what has been your finding from	12	would, would you look at what has been marked as
13	your most recent investigation about those	13	Plaintiffs' Exhibit 8. And I represent to you
14	contracts between VictoryLand and those license	14	those are the licenses, Class B licenses, for
15	holders as far as the length of their	15	2003, 2004, 2005 and 2006 that have Class B
16	relationships?	16	licenses for bingo in Macon County.
17	A. For 20 years I believe.	17	A. Yes.
18	Q. Twenty years?	18	MR. GRAY: And those are all of the
19	A. Yes.	19	ones that we submitted to you?
20	Q. So, is it a fair statement that the	20	MR. THOMAS: That you produced to
21	60 licenses that we have identified here today	21	us.
22	are committed to VictoryLand for 20 something	22	Q. And it's 62 of them. But, sheriff,
23	years?	23	it's further explained that two have since
			Page 220
	Page 218		_
1	<ul> <li>A. You can assume that at this time.</li> </ul>	1	dissolved or are not in business?
2	MR. THOMAS: Fred, if I could	2	A. Are not in business.
3	and I don't I think you've already looked at	3	MR. THOMAS: Okay. Are no longer
4	them. You produced them. I'd like to have this	4	license holders. Fred, I move to make that a
5	marked as an exhibit.	5	part of his deposition.
6	MR. GRAY, JR.: When you say	6	MR. GRAY, JR.: To the extent that
7	"this," you're	7	that's exactly what we gave you
8	MR. THOMAS: All of these.	8	MR. THOMAS: Yes.
9	MR. GRAY, JR.: - referring to all	9	MR. GRAY: Plaintiffs' 8.
10	the licenses that we produced in response to	10	MR. GRAY, JR.: as you have
11	your request?	11	represented, then no objection.
12	MR. THOMAS: Yeah. And I was going	12	Q. (By Mr. Thomas) Sheriff, just as a
13	to say that is going to contain all of the 62,	13	follow-up, when did the two we identified I
14	but further explained by the sheriff in the	14	think it was Washington Public Elementary School
15	taking out of the other two.	15	and South Macon Elementary School cease to be
16	MR. GRAY, JR.: Okay. Just the	16	license holders?
17	licenses, though?	17	A. I'd have to check the records. On
18	MR. THOMAS: Yeah, Just	18	the date of their closure I'm sure, on or around
19	MR. GRAY, JR.: That's not all of	19	the dates of their closures.
20	what I produced to you, is what I'm saying.	20	Q. Are the schools closed now?
104	MR. THOMAS: No, it's not. You	21	A. Yes.
21			0 4 1 15 11 11 11 11
22 23	produced the applications, too –  MR. GRAY, JR.: All right.	22 23	Q. As sheriff of the county, do you have any idea when they closed? School is

	Page 221		Page 223
1	currently well, I'm sorry. This is a new	1	Q. Are you familiar with Mr. Thomas'
2	school year.	2	organization of Macon County Investments?
3	A. Yes.	3	A. Yes.
4	Q. May?	4	Q. And you're familiar with Reverend
5	MR. GRAY, JR.: Just do you know?	5	Walker's Reach One, Teach One organization?
6	If you know, tell him. If you don't	6	A. Yes.
7	THE WITNESS: I don't know exactly.	7	MR. THOMAS: Fred, if you don't
8	Q. (By Mr. Thomas) Okay. Sheriff,	8	mind, some of this is that what you have
9	would it be a correct statement that those	9	there is somewhat of a scaled-down version of
10	licenses have been suspended, revoked what's	10	this. Okay?
11	the word you what phrase do you put on	11	MR. GRAY, JR.: Uh-huh
12	licenses when they're no longer being held?	12	(affirmative).
13	A. They both of these are inactive	13	MR. THOMAS: So, what I was going
14	at this time.	14	to do - I have condensed this to that, but I
15	Q. So, the date that these licenses	15	was going to leave this for the sheriff's visual
16	became inactive?	16	inspection if he wanted to, just to make sure.
17	A. Yes.	17	MR. GRAY, JR.: All right.
18	Q. Sheriff, now, if I may, let me ask	18	MR. THOMAS: Belinda, would you
19	you, do you know Frank Thomas?	19	mark this?
20	A. Yes.	20	MR. GRAY, JR.: Now, what you have
21	Q. How do you know Frank Thomas?	21	just given the court reporter is what I have?
22	A. I bought some land from Mr. Thomas.	22	MR. THOMAS: Yes.
23	Q. When?	23	MR. GRAY, JR.: Okay. And for what
	Page 222		Page 224
1	A. A few years ago.	1	you have in your hand is
2	Q. And what was the nature of the	2	MR. THOMAS: The actual document, a
3	transaction, for investment, home, what?	3	copy of the document that was submitted.
4	A. I eventually built a home on it.	4	MR. GRAY, JR.: Okay.
5	Q. Okay. Let me show you do you	5	MR. THOMAS: But like these things
6	know Mr. Thomas from any other interaction?	6	here are larger. They've just been condensed.
7	A. Yes.	7	MR. GRAY, JR.: And you're saying
8	Q. And would you describe that to the	8	all of this was submitted, too?
9	Court?	9	MR. GRAY: Why don't we do this.
10	A. Mr. Thomas applied for a bingo	10	Why don't you let us see what's submitted. Then
11	license.	11	we can go over it with him. We can take a break
12	Q. And, sheriff, I think properly that	12	and do that.
13	would be a Class B bingo license?	13	MR. THOMAS: I don't have any
14	A. Mr. Thomas made a joint application	14	problem with that.
15	with another charitable organization.	15	Q. Sheriff, if I may, let me produce
16	Q. By the name of Reach One, Teach	16	for you what will be Plaintiffs' Exhibit 9, and
	One?	17	I also have available for you the attachments,
11/		18	which have been condensed from that but are here
17	A. Yes.	1,0	
18	A. Yes.     Q. And that organization, one of its	19	in their actual sizes if you need to look at
18 19	Q. And that organization, one of its	1	in their actual sizes if you need to look at those.
18 19 20	Q. And that organization, one of its representatives is Reverend Walter Walker?	19	· · · · · · · · · · · · · · · · · · ·
18 19	<ul><li>Q. And that organization, one of its representatives is Reverend Walter Walker?</li><li>A. Yes.</li></ul>	19 20	those.

	Page 225		Page 227
1	Thomas left with the sheriff or left at the	1	following up on some of the questions before we
2	sheriff's office?	2	adjourned a moment ago to look at some potential
3	MR. THOMAS: Yes. Along with the	3	documents for the exhibits.
4	various attachments.	4	If any of the existing 60 charities
5	MR. GRAY: And it is that	5	should no longer become Class B license holders
6	application that we're here involved on?	6	- okay can another charity take its place?
7	MR. THOMAS: Yes.	7	A. Yes.
8	MR. GRAY: Okay. So, what we	8	Q. Isn't it a fact that if that
9	really need to do is take a break and look at	9	charity took that place, they could only do
10	all of this stuff because we have not seen what	10	business at the qualified location of
11	you are giving us until now.	11	VictoryLand?
12	MR. THOMAS: Okay.	12	A. Yes.
13	MR. GRAY: Now, that goes with	13	Q. So, any charity that replaces any
14	this?	14	charity for the next five years would have to
15	MR. THOMAS: Yeah. That is	15	operate its Class B bingo gaming at VictoryLand?
16	well, let me just say it this way.	16	A. At this time.
17	The application is a complete copy.	17	Q. Okay. Now, sheriff, do you have
18	Okay. The attachments have been condensed, but	18	any records maintained in your office that would
19	those are the full-blown attachments there.	19	show the gross revenues of the charities for
20	That's all we're saying.	20	2004, 2005 and as of this date in 2006?
21	MR. GRAY: And all of these	21	A. No.
22	purportedly were delivered to the sheriff along	22	Q. Who would have those records?
23	with this?	23	A. Individually the charities should
	Page 226		Page 228
1	MR. THOMAS: Yes. Well, it's the	1	have and, of course, VictoryLand.
2	same thing. Let me say this. This is what was	2	Q. Okay. So, of these 60 active 2006
3	delivered. Okay?	3	Class B bingo licenses, these 60 have some
4	MR. GRAY: Yeah. That's what I'm	4	records. Are they required under your rules to
5	saying.	5	keep records of their gross revenues?
6	MR. THOMAS: But for the	6	A. Yes.
7	convenience of everybody, we just scaled down	7	Q. Is VictoryLand, as a qualified
8	the maps. That's all.	8	location, required to keep records of what it
9	MR. GRAY: Yeah. Why don't you	9	has paid to its charities?
10	give us a little time to go and look at this and	10	A. Yes.
11	compare it with that.	11	Q. And as I understood your earlier
12	MR. THOMAS: Now, let me clarify	12	testimony, none of that information is recorded
13	this. The top sheet is what was given to Mr.	13	in your office?
14	<del>-</del>	14	A. No.
	Thomas acknowledging the submission of it.	1	
15	Thomas acknowledging the submission of it.  That's what's on the top sheet.	15	Q. Now, let me show you what I'd like
15 16		1	Q. Now, let me show you what I'd like to have marked now as Plaintiffs' Exhibit 10.
- 1	That's what's on the top sheet.	15	
16	That's what's on the top sheet.  MR. GRAY: Okay. Let's take a	15 16	to have marked now as Plaintiffs' Exhibit 10.
16 17	That's what's on the top sheet.  MR. GRAY: Okay. Let's take a break.	15 16 17	to have marked now as Plaintiffs' Exhibit 10.  MR. GRAY: What was nine?
16 17 18	That's what's on the top sheet.  MR. GRAY: Okay. Let's take a break.  MR. THOMAS: Fine.	15 16 17 18	to have marked now as Plaintiffs' Exhibit 10. MR. GRAY: What was nine? MR. THOMAS: Hold on a second.
16 17 18 19	That's what's on the top sheet.  MR. GRAY: Okay. Let's take a break.  MR. THOMAS: Fine.  (Whereupon, the taking of the	15 16 17 18 19	to have marked now as Plaintiffs' Exhibit 10.  MR. GRAY: What was nine?  MR. THOMAS: Hold on a second.  Let's make this nine.
16 17 18 19 20	That's what's on the top sheet.  MR. GRAY: Okay. Let's take a break.  MR. THOMAS: Fine.  (Whereupon, the taking of the deposition was recessed from approximately 2:48	15 16 17 18 19 20	to have marked now as Plaintiffs' Exhibit 10. MR. GRAY: What was nine? MR. THOMAS: Hold on a second. Let's make this nine. (Whereupon, said document was

	Page 229		Page 231
1	Q. Sheriff, you don't have any records	1	whether or not it is just like those forms are.
2	or any recordation in your office of any monies	2	THE WITNESS: This seems to be
3	that VictoryLand, as a qualified location, has	3	different from the first one we got.
4	received for 2004, 2005 and 2006?	4	MR. GRAY: All right. Let's –
5	A. (Indicating)?	5	MR. THOMAS: What are y'all showing
6	Q. Do you have in your records as	6	him?
7	sheriff any records containing information of	7	THE WITNESS: This is different
8	what VictoryLand, as a qualified location, has	8	from this one.
9	received as revenues from Class B bingo gaming	9	MR. THOMAS: It's from mine? What
10	for the years 2004, 2005, 2006?	10	form are you-all showing him?
11	A. No.	11	MR. GRAY: I think you had a copy
12	Q. They're not required to supply that	12	in that material over there.
13	information to you?	13	THE WITNESS: But this is different
14	A. No.	14	from that.
15	Q. Do you have any knowledge of what	15	MR. GRAY: But it was not submitted
16	receipts VictoryLand may have received or earned	16	with the application that - I understand, but
17	for 2004, 2005, 2006?	17	that is the form. And you had one in your
18	A. No.	18	materials, too. It tells about instructions,
19	Q. Now, let me show you what has been	19	and that's the application that is supposed to
20	marked as Plaintiffs' Exhibit No. 9, and I'll	20	follow.
21	ask you to review that document and let me know	21	Okay. You look at that and compare
22	if you can identify it?	22	that with each page on that and see whether or
23	MR. GRAY: Now, that's the	23	not they correspond.
	Page 230		Page 232
1	purports to be the application?	1	MR. THOMAS: My client submitted to
2	MR. THOMAS: Yes.	2	me they just simply retyped the information to
3	THE WITNESS: Yes.	3	make it better fit for the information they were
4	Q. (By Mr. Thomas) And it purports to	4	providing.
5	be the application of Reach One, Teach One for a	5	MR. GRAY: Well, if that's true
6	Class B license; is that correct?	6	that may be true on the first page, but I think
7	A. Yes.	7	and I thought what you were having him to do
8	<ul> <li>Q. And also attached to that is</li> </ul>	8	was to go through it to compare it and see if it
9	information regarding the person or entity who	9	complied with the rules.
10	will directly operate or promote bingo games for	10	And I just want him to have a copy
11	the applicant organization?	11	of his application, and then he can look at each
12	A. Uh-huh (affirmative).	12	page and see what it does.
13	Q. And that's Frank Thomas and the	13	Q. (By Mr. Thomas) Well, sheriff, my
14	principals of Macon County Investments; is that	14	question to you, as I stated before, this is the
15	correct?	15	packet of information that is this is the
		16	packet of information that was submitted by
16	A. Yes.	1	
16 17	Q. And all of those are on forms that	17	Reach One, Teach One and MCI; is that correct?
1	Q. And all of those are on forms that have been prescribed by you; is that correct, as	18	A. (No verbal response).
17	Q. And all of those are on forms that	18 19	<ul><li>A. (No verbal response).</li><li>Q. The document that you're looking to</li></ul>
17 18	Q. And all of those are on forms that have been prescribed by you; is that correct, as	18 19 20	<ul><li>A. (No verbal response).</li><li>Q. The document that you're looking to and</li></ul>
17 18 19	Q. And all of those are on forms that have been prescribed by you; is that correct, as sheriff?  MR. GRAY: Just a moment. I would want the sheriff to take a look at your	18 19 20 21	<ul><li>A. (No verbal response).</li><li>Q. The document that you're looking to</li><li>and</li><li>A. Yes.</li></ul>
17 18 19 20	Q. And all of those are on forms that have been prescribed by you; is that correct, as sheriff?  MR. GRAY: Just a moment. I would	18 19 20	<ul><li>A. (No verbal response).</li><li>Q. The document that you're looking to and</li></ul>

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1	Reach One, Teach One of America, Inc., right?	1	A. Right, right.
2	A. Uh-huh (affirmative). Yes.	2	Q. Clearly delineated under 1 through
3	Q. And on behalf of Macon County	3	18 is a listing of all information that was
4	Investments as the entity or persons who were to	4	submitted; am I correct?
5	operate or promote the bingo games; is that	5	A. Yes.
6	correct?	6	Q. The information oh, I'm sorry.
7	A. Yes.	7	Continued on to the second page, they talked
8	Q. And after your examination of the	8	about 19, right?
9	information provided, does it provide the	9	A. Yes.
10	necessary information that you sought for	10	Q. Do you have any objection to having
11	applications?	11	a listing under a table of information so that
12	MR. GRAY, JR.: Now, here is the	12	you can readily assess it?
13	information that you sought for applications	13	A. No, I don't.
14	(pointing).	14	Q. Okay. Then as it relates to the
15	MR. GRAY: You have to go through	15	application of Reach One, Teach One, the
16	each one of the pages. And that's the first	16	information that's provided here, is there
17	one, which deals with personal data on the	17	anything that's provided to you that is
18	applicant and that's the	18	objectionable?
19	THE WITNESS: That's different.	19	A. No.
20	Q. (By Mr. Thomas) But is the	20	Q. As it related to the information
21	information there? Is the information there	21	that's provided on behalf of MCI, Frank Thomas
22	that you would need?	22	and other principals or persons or entities who
23	A. Yes.	23	will directly operate and promote bingo gaming
***************************************	Page 234		Page 236
1	Q. Okay. Now, are you interested in	1	for the applicant organization, is there any
2	<ul> <li>you basically are requesting information,</li> </ul>	2	information provided here that's objectionable
3	aren't you?	3	to you?
4	A. Yes.	4	A. No.
5	Q. So, I guess – is there any	5	Q. All information has been properly
6	objection to the information that was provided	6	notarized; am I correct?
7	to you?	7	MR. GRAY, JR.: Well, you're on one
8	MR. GRAY: Do you mean are there	8	page of it.
9	any objections to the way the information is set	9	Q. (By Mr. Thomas) Well, I mean, it's
10	out?	10	a notary statement there, isn't it?
11	MR. THOMAS: Yes.	11	A. Uh-huh (affirmative).
12	MR. GRAY: As compared to how he	12	Q. And there's a consent for the
13	has suggested that they set it out in the	13	background check, right?
14	application?	14	A. Uh-huh (affirmative).
15	MR. THOMAS: Well, my question	15	Q. You wanted that information, didn't
16	well, let me ask him just a basic question.	16	you?
17	Q. Is there anything in the	17	A. (No verbal response).
18	information that was submitted to you that was	18	Q. I mean, people who applied had to
19	not acceptable?	19	consent to background checks, right?
20	A. Other than the order of it.	20	A. Yes.
21	Q. Sheriff, if I may, you were	21	Q. They are consenting to that; am I
22	provided a contents of the bingo application; am	22	correct?
		23	

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1	Q. Personal data is provided to you,	1	MR. GRAY: Okay. Ten is what?
2	right?	2	MR. THOMAS: Now, hold on a second.
3	A. Yeah	3	I was doing it as composite survey and oh,
4	Q. Well, let me say this if I may.	4	you want to do them separately?
5	That application is a lot more thorough than	5	MR. GRAY, JR.: Let's do them
6	this one page you received from other companies;	6	separately.
7	am I correct?	7	MR. THOMAS: Okay. Exhibit 10(A).
8	A. Those applications are different	8	MR. GRAY: 10(A) is what?
9	from these. None of these were joint	9	MR. THOMAS: 10(A) is going to be
10	applications.	10	Proposed Entertainment Complex for Macon County
11	Q. I understand. Well, let me say	11	Investments, Inc. That's 10(A).
12	this just to show you. The application here for	12	(Whereupon, said document was
13	a bingo license that's submitted by Washington	13	marked for identification as
14	Public Elementary School and the attachment to	14	Plaintiffs' Exhibit No. 10(A) to
15	it, surely you're not saying what was submitted	15	the deposition of David M. Warren.)
16	by Reach One, Teach One was any less than that,	16	MR. THOMAS: And 10(B) is the
17	are you?	17	boundary survey.
18	A. No.	18	MR. GRAY: That's the boundary
19	Q. Okay. In fact, that application	19	survey and the land upon which the proposed
20	there was a lot more detailed and informational	20	structure is to be built?
21	than what you had been receiving? Yes?	21	MR. THOMAS: Yes.
22	A. That was what we asked for.	22	MR. GRAY: And that's the same land
23	Q. But, again, what was submitted to	23	that is referred to on Page 1 of the
	Page 238		Page 240
	you by Reach One, Teach One and Macon County	1	application?
1 2	Investments was detailed information?	2	MR. THOMAS: Yes.
1	A. It was detailed information.	3	MR. GRAY: Can y'all stipulate that
3	Q. And was acceptable to you?	4	the structure has not in fact been built, no
4	A. The information itself, yes.	5	structure well, no structure was built at the
5	Q. Okay. Now, if I may —	6	time of the application?
7	MR. THOMAS: Would you mark this as	7	MR. THOMAS: No structure was
1	hold on a second. And this is with the	8	built.
8	understanding that we'll supplement copies on	9	MR. GRAY: All right.
9	this.	10	(Whereupon, said document was
1	MR. GRAY, JR.: Did you ever get	11	marked for identification as
11	nine marked?	12	Plaintiffs' Exhibit No. 10(B) to
12	MR. THOMAS: That's it right there.	13	the deposition of David M. Warren.)
13	MR. GRAY, JR.: Okay.	14	
14	MR. GRASSO: Nine is the	15	would like to show you what has been marked as
15		16	
16	application.  MR, THOMAS: Mark that as ten.	17	
17		18	
18		19	
140		20	
19	the currou and I think the decion		
20	the survey and I think the design	1	
1	MR. GRAY: Why don't we do them	21 22	A. Yes.

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	1 A. Yes.
marked as Plaintiffs' Exhibits 9, 10(A) and	2 Q. And what's your knowledge of Joe
10(B)?	3 Turnam?
A. Probably around July 25th or	4 A. He's a person that he's a Joe
thereabouts.	5 is the chairman of the democratic party.
Q. Of what year, sheriff?	6 Q. A lobbyist, too, isn't he?
A. 2005.	
MR. THOMAS: Let me have this	the second supplies
marked as Plaintiffs' Exhibit 10(C).	A DAY, Well now shoriff only
(Whereupon, said document was	
) marked for identification as	10 tell what you know. 11 Q. (By Mr. Thomas) Yeah. What you
Plaintiffs' Exhibit No. 10(C) to	• •
the deposition of David M. Warren.)	12 know. 13 A. Yes. I know Joe Turnam.
3 Q. Sheriff, would you describe for me	
4 the circumstances under which you first reviewed	14 Q. You know Joe Turnam, and Joe Turnar
5 what has been marked as Plaintiffs' Exhibit 9,	15 has been instrumental in trying to advance
6 Plaintiffs' Exhibit 10(A) and Plaintiffs'	16 economic development in the Shorter community
7 Exhibit 10(B)?	17 hasn't he?
8 A. I'm not exactly sure when this came	18 A. Yes.
t and it was given to one	19 Q. Nobody disputes that, do they?
Dutabas last IWSS	20 A. No.
a the Age I got book in	21 MR. GRAY, JR.: Well, we don't know
	22 about nobody.
Ltold thom to	23 MR. THOMAS: Wait a minute.
23 They told me that it was there. I told them to Page 242	Page 24
Faye 272	1 MR. GRAY, JR.: It may be that he
1 put it in my office.	
2 We normally receive our	2 doesn't. 3 MR. THOMAS: Well, again, I
3 applications through our business office. I	ALD COMY ID. Hency he comehody
4 reviewed it around the - on the - I believe it	
5 was on a Monday to the best of my recollection.	5 out there. That's what I'm saying.
6 Q. But based on your earlier	6 MR. THOMAS: I don't have any
7 testimony, this would have been on or about July	7 problem. But we're comfortable with the record.
8 25, '06, in that area?	8 Y'all know I wouldn't take advantage of it.
9 MR. GLASSO: '05.	9 Q. But the general reputation of Joe
- 10 TI 10E I'm corn!	10 Turnam is that he advances economic developme
• •	11 in Shorter, correct?
_	12 A. Yes.
in the transfer of the transfe	13 Q. Now, somewhere along the line of
$-1.00$ $\times 10^{-1}$ $\times 10^{-1$	14 January, February of 2005 didn't Mr. Turnam
	15 contact you regarding the interest of Frank
which is down there.  MR. GRAY, JR.: No objection.	16 Thomas in operating bingo gaming in Macon
- Chariff lot me	17 County?
17 Q. (By Mr. Thomas) Sheriff, let me	18 A. Yes, he did.
18 see if we can we're in July, somewhere around	19 Q. And what did Mr. Turnam tell you?
19 July 25, '05. Okay?	20 A. That, that he was interested in
20 A. Uh-huh (affirmative).	21 operating bingo in Macon County.
Q. Do you know a Joe Turnam?	22 Q. And isn't it a fact that Attorney
22 A. Uh-huh (affirmative).	- " " - "
23 Q. You have to answer.	23 Bobby Segall, an attorney practicing at the

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a contract Alabama and principally out of the	1 A. At my home.
1 State of Alabama and principally out of the	2 Q. Was Representative Pebblin Warren
2 Montgomery, Alabama –	3 there?
3 A. Yes.	4 A. She was there.
4 Q contacted you and talked with	5 Q. Did she participate in the
5 you on behalf of Frank Thomas, didn't he?	6 discussions?
6 A. Yes.	7 A. I talked mostly with Mr. Thomas.
7 Q. And what did Mr. Segall say to you?	8 Q. Now, let's talk about when do
8 A. To the best of my recollection, he	9 you recall the first discussion with Mr. Thomas
9 was talking about gaming for Mr. Thomas.	10 in your home or at your office or anywhere?
110 Q. And Both of those	11 A. It was at my home.
A. Tuorit - excuse me. I dem the	
12 if he if Mr. Segall specifically relayed it	and a second sec
13 to Mr. Thomas.	l
14 Q. What do you mean relayed it to	
15 Mr. Thomas?	THE THE PARTY OF T
16 A. I can't remember if he I know	Paragraph for only
17 Joe Turnam did.	<b>1</b> • • · · .
18 Q. But it is a fact that Attorney	18 form of bingo?
19 Bobby Seagall contacted both you and your wife,	19 Q. (By Mr. Thomas) Sheriff, all of my
20 Pebblin Warren, about Mr. Thomas' interest in	20 questions are going to relate to Mr. Thomas'
21 bingo in Macon County?	21 discussions with you about a bingo license.
22 A. He contacted me.	MR. GRAY: All right. Because
23 Q. He never had any discussions with	23 earlier you asked him about it, and he told you
Page 246	Page 248
1 Representative Pebblin Warren?	1 about land that he had sometime before.
The state of the s	2 MR. THOMAS: Well
the state of that but	3 MR. GRAY: And I want to be sure of
s 1: was though it's his	4 what we're talking about.
to the state of th	5 Q. (By Mr. Thomas) We had progressed
	6 past your purchase of the land that you
	7 subsequently built a home on earlier, am !
7 any knowledge of	8 correct?
8 A. I don't	9 A. Yes.
9 Q Bobby Seagall or Joe Turnam 10 A. I talked with Joe Turnam and Bobby	10 Q. And you were with me about
	11 discussions relating to his application for a
11 Seagall. I don't know what	12 bingo license, right?
12 Q. You don't have any knowledge of	13 A. Yes.
13 Representative Pebblin Warren talking to either	14 Q. Okay. So, we appreciate your
14 of those gentlemen about bingo	15 counsel keeping us focused, but we are focused
15 A. Frank Thomas?	16 aren't we? Yes?
16 Q. Yes.	17 A. Yes.
17 A. No.	18 Q. Now, at your home, what did Frank
18 Q. You don't ever recall Frank Thomas	19 Thomas say to you about his interest and his
19 being in your home wherein both you and	r Ol D biogo
Loo. Decree antotice Dabblin Morron discussed his	20 desire to get a license for Class B bingo 21 gaming?
20 Representative Pebblin Warren discussed his	171 (1801)(40)
21 efforts to get a bingo license in Macon County?	
20 Representative Pendin Warren discussed his 21 efforts to get a bingo license in Macon County? 22 A. I talked with Mr. Thomas. 23 Q. At your home?	22 A. He stated his desire to get a 23 license to play bingo to conduct bingo.

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1 Q. And what was your response to some	1 MR. GRAY: Well, he pauses anyway.
1 Q. And what was your response to some	2 MR. THOMAS: I appreciate that.
<ul> <li>2 of the things Mr. Thomas shared with you?</li> <li>3 A. If he abided if he followed the</li> </ul>	3 Q. If you don't mind and I don't
	4 mean any ill-will let me know when you're
4 rules and regulations. That was my discussion	5 finished because I take a long I assume that
5 with him.	6 when you pause you're finished. And it's been
6 Q. Did you ever tell Frank Thomas that	7 my experience that you normally have finished.
7 you were going to give him a license to conduct	8 So, I want to just if you would,
8 bingo gaming in Macon County?	9 just queue me when you're finished.
9 A. If he followed the rules and	10 A. Okay. I'm trying to think.
10 regulations.	11 Q. I understand. And feel free to
11 Q. Did you ever tell Joe Turnam that	12 take your time.
12 you were going to give Frank Thomas and his	13 A. Mr. Thomas submitted an application
13 organization and Reach One, Teach One a license	14 with Reach One, Teach One, who would be a Class
14 to conduct Class B bingo gaming?	15 B charitable application, and information with
15 A. I don't remember stating that to	16 his Class B operator's license combined in the
16 Mr. Turnam.	17 same application. And that was confusing.
17 Q. What about Attorney Bobby Seagall?	18 I did not know I did Class B
18 A. I don't remember stating that to	19 operators cannot submit a license for a Class B
19 Mr. Segali.	20 license. He has to submit a license for a Class
20 Q. Now, when you say this is in	21 B operator's license, and that should be
21 2005?	22 separate from the Class B license for the
22 A. Uh-huh (affirmative).	23 charity.
23 Q. And it is before he submitted the	Page 252
Page 250	
1 application to you sometime around July 25, '05?	1 Q. Now, did you ever communicate that
1	2 to Mr. Thomas?
2 A. Yes. 3 Q. Now, what was your definition of if	3 A. Mr. Thomas – in the conversation
4 he followed the rules and regulations?	4 that I had with Mr. Thomas at some point I
5 A. If he followed the rules and	5 relayed to him that his application was not
	6 well, I was confused by Mr. Thomas' application.
6 regulations. 7 Q. Now, let me ask you about the rules	7 At some point during that time
8 and regulations. Didn't the regulations require	8 Mr. Thomas came to my house, and when my wi
n Other theat	9 approached him about being at the back of my
not have at any time advise	10 house, he went off on her. So, I in a
11 Mr. Thomas or anyone with Reach One, Teach One	11 whatever conversation we had later was sort of
12 of the granting or the denial of their	12 strained, and i sort of let wil. Thomas know that
13 application after it was submitted?	13 his application was not proper.
14 A. No.	14 Q. Are you finished?
15 Q. Why not?	15 A. Yes.
16 A. I was Mr. Thomas submitted an	16 Q. When was that, sheriff?
17 application that had Class B bingo license and a	17 A. It was sometime it was before
18 Class B operator's license on the same form, in	18 hold it. No, let me retract. Let me go back.
19 the same application.	19 Mr. Thomas I'm sorry. Let me restate that.
20 Q. And what was	20 That incident was before Mr. Thomas
21 MR. GRAY: Let him finish.	21 turned in his application. When he turned in
22 MR. THOMAS: He's pausing, Mr.	22 his application, I looked at it and I saw that
23 Gray. I think he —	23 both of those information were on the same
20 0,0,1	63 (Pages 249 to 2

	Court Reporting * Legal Vio		Page 255
1 a	application and I - I took it that Mr. Thomas	1	A. Under which, (A)?
2 v	vas trying to get the approval of a Class B	2	MR. GRAY, JR.: Repeat your
	charitable license and a Class B operator's		question.
4 li	icense approved simultaneously.	4	Q. (By Mr. Thomas) Are those rules
5	Q. Your lawyers won't let me ask you a		that were issued by your office?
6 0	question until they are thoroughly	6	A. Yes.
7	A. Sure.	7	Q. Okay. And those particular
8	Q convinced you're through.	8	instructions for bingo license application make
9	A. I'm through.	9	it very clear to list the names and home
10	Q. So, you have to -	10	addresses of each person who will be operating
11	A. I'm through.	11	or promoting the bingo game, right?
12	Q. Okay. Now, is there anything in	12	A. Yes.
	the rules and regulations that you have	13	Q. And then (G) says please indicate
14	promulgated that require separate applications?	14	whether the applicant is seeking a Class A or
15	A. A Class B operator's license	15	Class B bingo license, right?
	requires a different set of documents than a	16	A. Yes.
17	Class B operator a Class B bingo license.	17	Q. If applying for a Class B bingo
	I'm through.	18	license, you must include with the application
19	Q. Where is the form then for a Class	19	the additional information required by the rules
20	B operator's license?	20	and regulations for the licensing and operating
21	A. The form is you it's just like a	21	of bingo games in Macon County, right?
22	Class B bingo license, but in the rules and	22	<ul> <li>A. Uh-huh (affirmative).</li> </ul>
23	regulations it states the documents that you	23	Q. Is that correct?
25	Page 254	<b> </b>	Page 256
ļ		1	A. Yes.
1	should have.	2	Q. What was submitted by Mr. Thomas
2	MR. THOMAS: Okay. Let me do this.	3	and Reach One, Teach One, didn't it
3	Fred, take a look at this. Let me have this	4	substantially comply with providing you with
4	marked.	5	that information?
5	(Whereupon, said document was	6	A. Yes.
6	marked for identification as	7	MR. THOMAS: If I may, I'd like to
7	Plaintiffs' Exhibit No. 11 to the		offer Plaintiffs' Exhibit 11.
8	deposition of David M. Warren.)	9	MR. GRAY, JR.: No objection.
9	Q. Sheriff, if I may, let me show you	10	Q. (By Mr. Thomas) So, I guess now
10	what has been marked as Plaintiffs' Exhibit 11.	1	that did you get a chance to look at the
11	And if I may, sheriff, could I just look over	11	
12	your shoulder?	12	
13	A. Uh-huh (affirmative).	13	
14	Q. Sheriff, that's the Macon County,	14	Tarah One or Macon
15	Alabama Instructions for Bingo License	15	
16	Application?	16	
17	A. Yes, sir.	17	
1 ' '	Q. If I may, let me call your	18	to the state of th
18	attention to Paragraph 2(B). List the name and	19	n a san ar chout
l l	attention to Faragraph 2(b). List the hame and	1 ~ -	
18	home addresses of each person who will be	20	
18 19	home addresses of each person who will be operating or promoting the bingo game.	20	July 25, '05, right?
18 19 20	home addresses of each person who will be operating or promoting the bingo game.	20	July 25, '05, right? A. '05. Uh-huh (affirmative).

64 (Pages 253 to 256)

[	Page 257		Page 259
1	this lawsuit was filed on March 9th, 2006, you		lawyers. He didn't finish.
2	had not in any form or fashion advised Reach	2	Q. (By Mr. Thomas) Are you okay,
3	One, Teach One or MCI that their application had	3	sheriff?
4	been denied, had you?	4	A. I'm fine.
5	A. No.	5	<ul><li>Q. Sheriff, my question</li><li>MR. GRAY: You don't want him to</li></ul>
6	Q. Why not?	6	
7	A. Mr. Thomas oh, why I didn't	7	finish. Okay.  Q. (By Mr. Thomas) Sheriff, when was
8	Q. Yeah.	8	Q. (By Mr. Thomas) Sheriff, when was this discussion that you had with Mr. Thomas,
9	A contact them?	9	
10	Q. Yeah. And let them know that	10	was what I was focusing on?  A. Mr. Thomas called me on numerous
11	either you were granting or you were denying	11	A. Mr. Thomas called me on numerous occasions. Mr. Thomas we had conversations
12	their application.	12	on occasions. And from the rules and
13	A. I had a conversation with Mr.	13	regulations Mr. Thomas knew that what it took
14	Thomas. And to the best of my knowledge, Mr.	14	
15	Thomas Mr. Thomas had not met for him to	15	to operate a Class B gaming facility.  Q. And, if I may, sheriff, would it be
16	operate bingo for a charity, he would have to	16	Q. And, if I may, sheriff, would it be fair that some of these discussions took place
17	first meet the requirements of the rules and	17	after July 25, '05?
18	regulations.	18	•
19	Q. And when was this discussion with	19	
20	Mr. Thomas?	20	Q. Now, in July of '05, it would be a fair assessment, based on your earlier
21	A. The regulations clearly state that	21	testimony, that 60 or at least 60 of the
22	for you to conduct bingo games with for an	22	charities that you said could be outstanding at
23	entity you must first have 15 charities. You	23	
	Page 258		Page 260
1	must also have a facility to inspect and to	1	any one time had already been committed?
2	yes.	2	<ul> <li>A. I'm not sure about that. Well,</li> </ul>
3	Q. Make sure you if you don't mind,	3	excuse me. Ask that question again.
4	we were doing pretty well I think in the way you	4	Q. You have produced to me what we've
5	and I were asking and answering each other.	5	identified as the 2006 Class B bingo licenses?
6	So, I'm just going to let your	6	A. Yes.
7	lawyers key in again when they think I'm cutting	7	Q. And attached to many of these are
8	you off. Okay?	8	the licenses that were issued for 2005?
9	A. All right.	9	A. Uh-huh (affirmative).
10	<ul> <li>Q. I think it's just unreasonable for</li> </ul>	10	Q. I would want to submit to you at
11	two reasonable people to not be able to talk.	11	least 58 of them are licenses for – 58 of these
12	Okay. And if for some reason you think I am	12	documents contained licenses that would be in
13	cutting you off, just say hold up, Ken, let me	13	force and effect for 2005?
14	answer it.	14	
15	Okay?	15	
16	A. No problem.	16	
17	•	17	
18		18	
19		19	•
20	· ·		
21		21	
100	telling you about the facilities, and he hadn't	22	A. At that – at –
22	finished. Then you went and jumped on the	23	Q. At that time?

65 (Pages 257 to 260)

_	-		D 200
	Page 261		Page 263
1	A. At that time.	1	did they do it?
2	Q. So, in July of 2005, it would be a	2	MR. THOMAS: No. My question to
3	fair assessment that there would be no way that	3	him was straightforward, and I think he
4	15 charities could apply within your rules for a	4	understood it.
5	Class B bingo license?	5	Q. Sheriff?
6	A. Well, Mr. Thomas had always	6	A. How to after?
7	contended that he wanted to just play for one	7	Q. In July of 2005, with all of the
8	charity, and I'm not sure if that was his reason	8	licenses that you had already issued which I
9	for submitting the one he had.	9	represent to you were more than 45 because you
10	Q. But under the rules that were in	10	only would allow 60 to be outstanding.
11	force in all of 2005, one charity under the	11	As a matter of fact, in July of
12	rules could not get a Class B bingo license to	12	'05, a nonprofit organization could not get a
13	operate Class B bingo gaming?	13	Class B license?
14	A. Yes.	14	<ul> <li>A. A nonprofit organization</li> </ul>
15	Q. Okay. So, what I'm trying to make	15	Q. Nonprofit.
16	sure I clearly understand from you is that in	16	A could not get a license in 2005?
17	July of 2005 there were more than 45 charities	17 .	Q. July of 2005.
18	with licenses, Class B licenses?	18	A. In July of 2005. A nonprofit
19	A. I'm not sure.	19	organization may have been able to get a license
20	Q. Well, if there were and I	20	in 2005.
21	represent to you that there were that means,	21	Q. Under what conditions?
22	based on your rules and regulations that you	22	A. A nonprofit a nonprofit if
23	promulgated, no 15 charities could come together	23	there were, as you said, around 45 or less than
	Page 262		Page 264
1	in order to meet the requirement that you had	1	45 - it wasn't 60. So, a Class B license could
2	set forth?	2	be issued to a charity.
3	A. Exactly.	3	Q. But isn't it a fact that in that
1 4	Q. Then the second part of that, you	4	instance that charity would be limited to the
5	had to have invested in a facility and paid at	5	one qualified location, which was VictoryLand?
6	least \$15 million	6	A. Yes.
7	A. Uh-huh (affirmative).	7	
8		8	through all of the licenses for 2006, all 60 of
9		9	the limit that you imposed have been issued?
10		10	A. Yes.
11		11	Q. So, at this point in time a
12	·	12	nonprofit organization could not get a Class B
13		13	license under any set of circumstances?
14		14	A. At this point in time.
15		15	Q. Okay. And an operator could not
16	· · · · · · · · · · · · · · · · · · ·	16	obtain a qualified location status until they
17		17	built a facility and had paid at least \$15
18		18	million for it?
19		19	A. Yes.
20		20	
2		21	One, Teach One application and the materials
		22	
22	Z the way that the class B heeries here in	23	to have obtained a public liability insurance,

66 (Pages 261 to 264)

	Page 265	<u>-</u>	Page 267
1	there first had to be a facility, right?	1	Q. (By Mr. Thomas) Exhibit G,
2	A. Yes.	2.	sheriff.
3	Q. Then as it relates to the liquor	3	A. Exhibit G?
4	liability insurance, that only comes into play	4	Q. Yes.
5	if you're serving liquor?	5	A. Yes.
6	A. Yes.	6	Q. Sheriff, if I may – and I'm
7	Q. From the drawings that you	7	standing up just to show you.
8	reviewed, did it appear that there was ample	8	A. That's okay.
9	space for adequate parking in their plans?	9	Q. The document that is Plaintiffs'
10	A. Yes.	10	Exhibit 10(A) clearly states there in one of the
11	Q. On-site security at the location as	11	notations all facilities will comply with The
12	prescribed by the sheriff. Obviously, you must	12	Americans with Disabilities Act and life safety
13	have a building, right?	13	codes?
14	A. Uh-huh (affirmative).	14	A. Yes.
15	Q. You have to answer out.	15	Q. Okay. So, that was in the
16	A. Yes.	16	application.
17	Q. On-site first aid for personnel as	17	Satisfactory evidence that the
18	prescribed by the sheriff. Again, you still	18	owner or owners of such location – like Frank
19	have to have a facility	19	Thomas. You were familiar with him, right?
20	A. Yes.	20	A. Uh-huh (affirmative).
21	Q built, right?	21	Q. You had bought property from him
22	A. Yes, yes.	22	three years earlier, hadn't you?
23	Q. Cash or surety bond in the amount	23	A. Yeah.
	Page 266		Page 268
1	not less than \$1 million. I think there's a	1	<ul> <li>Q. You were pretty comfortable he was</li> </ul>
2	letter in that application packet from McGrief	2	a resident of the area, right?
3	Seibels confirming that they were qualified for	3	A. Of what area?
4	that, right?	4	Q. Of the State of Alabama. I'm
5	A. Yes.	5	sorry.
6	Q. Such accounting procedures controls	6	A. Yeah.
7	and security monitoring necessary to preserve	7	<ul><li>Q. So, some of the significant</li></ul>
8	and promote the operation of bingo games and to	8	well, the deficiencies in this application,
9	ensure the protection of the charitable license	9	based on your testimony, is they didn't have the
10	holder and its patrons.	10	requisite 15 charities; is that correct?
11	There's confirmation there from	11	A. Exactly.
12	Jackson and Thornton CPAs of them being on	12	Q. And did not have the facility built
13		13	which they would pay for that cost more than \$15
14		14	million?
15	Q. Then satisfactory evidence that the	15	A. Yes.
16	owner or owners of the location paid at least	16	Q. If they had the requisite charities
17	As a second of the second of t	17	and the structure built, would they get a
18		18	license?
19		19	A. By law, if they had all of those
20		20	things in by the rules and regulations, if
21		21	they had those things in place, theoretically
22	2 find it.	22	they would get a license.
23	THE WITNESS: Section what?	23	Q. You didn't have any problems with

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	Page 269		Page 271
4 Mr. Thomas	s' attitude or anything and his	1	passing notes. I think she's been participating
	t to Macon County, did you?		in the deposition.
	on't know Mr. Thomas that well.	3	So, right. I think we've been more
1	ou don't?		than courteous just to make the record clear.
		5	MR. THOMAS: Would you mark that?
	kay.	6	MR. GRAY, JR.: Exhibit 12?
	eally.	7	COURT REPORTER: Plaintiffs' 12.
	ou had problems with Reach One,	8	MR. GRAY, JR.: All right.
ł <u>.</u>	· · · · · · · · · · · · · · · · · · ·	9	(Whereupon, said document was
	lon't – I don't have a problem	10	marked for identification as
	end Walker. I don't know that much	11	Plaintiffs' Exhibit No. 12 to the
	rganization.	12	deposition of David M. Warren.)
1	ut Mr. Reverend Walker's attitude	13	MR. THOMAS: Sheriff, if you don't
	tment to betterment of mankind and	14	mind, let me clear up Plaintiffs' Exhibit 9 to
	y and involvement would meet some	15	make sure it doesn't get loose. Did I move to
	nimum tests, wouldn't it?	16	admit Plaintiff's Exhibit 11? I think I did.
1	don't have a problem with	17	MS. SALAAM-JONES: It's down there.
t iii	- 3	18	MR. THOMAS: Yeah. Why don't we
	volue: . /ould the same hold true for his	19	get some of these up here so we can keep up with
		20	them.
20 organizatio	on : don't know. I haven't had any	21	MR. GRAY, JR.: What was 10(C)?
	e with his organization. I don't know.	22	MR. SALAAM-JONES: 10(C), we're not
	oid you do any kind of background	23	going to have.
23 Q. D			Page 272
	Page 270		v
	nim once you got the application?	1	MR. THOMAS: We withdrew it.
	leach One, Teach One was a as	2	MR. GRAY, JR.: Okay. What was it,
	s concerned, was a legal charity, had	3	though?
	ber and all of that.	4	MS. SALAAM-JONES: It was the
1	Sot you. And that was a part of	5	property release receipts.
6 the applica	ation. Did I interrupt you?	6	Q. (By Mr. Thomas) Sheriff, let me
1	lo.	7	show you Plaintiffs' Exhibit No. 12 and ask if
	Now, sheriff, let me ask you this.	8	you can identify it.
9 M	R. THOMAS: I probably need to do	9	A. Uh-huh (affirmative).
10 two items.		10	Q. Were you aware of the information
	thought they were just observing.	11	that was supplied on behalf of this
4	IR. GRAY: Huh?	12	organization?
13 . M	R. THOMAS: 1 thought they were	13	A. Yes.
14 just obser		14	
1	IR. GRAY: I can't let her look at	15	•
	observing.	16	
17 N	IR. GRAY, JR.: How can one observe	17	
18 and not lo		18	•
19 M	IR. GRAY: And not see what we're	19	
20 doing.		20	
	иR. THOMAS: Okay.	21	
	MR. GLASSO: I think she can look	22	•
23 at it. She	s's been here conferring with you and	23	license?

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4	A. Yes.	1	an industry?
1		2	A. I have had a relationship with Fred
2	1	3	Gray, Jr. since I was a police officer with the
	Plaintiffs' Exhibit No. 5 I'm sorry,	4	City of Tuskegee. I don't I don't have a
	Plaintiffs' Exhibit No. 3, this person was one	5	problem being represented by him. And what I
	of the first organizations to get a bingo	6	have done in my capacity as sheriff, I have
	license; is that correct?	7	always tried to do the best my best to be a
7	A. Yes.	8	fair and impartial person.
8	MR. THOMAS: We now offer	9	Q. But, again, aside from that, you
9	Plaintiffs' Exhibit 12.	10	are the sole regulator of Class B licenses?
10	MR. GRAY, JR.: No objection.		A. Exactly.
11	Q. (By Mr. Thomas) Sheriff, are you	11	
12	aware that how long has Fred Gray, Jr. been	12	Q. You don't think that the public would have some concern about the law firm
13	representing you as sheriff of the Macon County	13	advising you on regulations and representing the
14	Sheriff's Department?	14	one and only qualified location?
15	A. Probably since I first got in	15	
16	office.	16	I mean, is public concern one of your issues?
17	Q. Which I think was 1995 or	17	-
18	thereabouts?	18	
19	A. Yes.	19	
20	Q. Were you also aware that Fred Gray,	20	appearance of impropriety?  A. The impropriety would come, in my
21	Jr. and his law firm have been representing the	21	A. The impropriety would come, in my opinion, if if you acted improperly.
22	Macon County Greyhound Park, doing business as	22	
23	VictoryLand, for several years?	23	
	Page 274		Page 276
1	Were you aware of that?	1	fact that now as we speak no nonprofit
2	A. Yes.	2	charitable organization could get a Class B
3	<ul> <li>Q. At times when, according to your</li> </ul>	3	license, doesn't that concern you?
4	own testimony, Fred Gray, Jr. was advising you	4	
I "		4	As we speak, no nonprofit
5	and making recommendations and writing and	5	organization can get a license to conduct Class
1	and making recommendations and writing and drafting for you your initial rules, your first	1	organization can get a license to conduct Class B bingo gaming in Macon County.
5	and making recommendations and writing and drafting for you your initial rules, your first amended rules and your second amended rules, his	5 6 7	organization can get a license to conduct Class B bingo gaming in Macon County. A. This is at this time.
5 6	and making recommendations and writing and drafting for you your initial rules, your first amended rules and your second amended rules, his partners and father and brother were	5 6 7 8	organization can get a license to conduct Class B bingo gaming in Macon County. A. This is at this time. Q. Yes.
5 6 7	and making recommendations and writing and drafting for you your initial rules, your first amended rules and your second amended rules, his	5 6 7 8 9	organization can get a license to conduct Class B bingo gaming in Macon County.  A. This is at this time. Q. Yes. A. That I have concerns about I
5 6 7 8	and making recommendations and writing and drafting for you your initial rules, your first amended rules and your second amended rules, his partners and father and brother were representing VictoryLand at the same time?  A. Yes.	5 6 7 8 9	organization can get a license to conduct Class B bingo gaming in Macon County.  A. This is at this time. Q. Yes. A. That I have concerns about I have concerns about the fact that this is done
5 6 7 8 9	and making recommendations and writing and drafting for you your initial rules, your first amended rules and your second amended rules, his partners and father and brother were representing VictoryLand at the same time?  A. Yes.  Q. You didn't see a conflict in that?	5 6 7 8 9 10 11	organization can get a license to conduct Class B bingo gaming in Macon County.  A. This is at this time. Q. Yes. A. That I have concerns about I have concerns about the fact that this is done properly and it does not turn into something
5 6 7 8 9 10	and making recommendations and writing and drafting for you your initial rules, your first amended rules and your second amended rules, his partners and father and brother were representing VictoryLand at the same time?  A. Yes.  Q. You didn't see a conflict in that?  As sheriff, you would be the regulator of Class	5 6 7 8 9 10 11 12	organization can get a license to conduct Class B bingo gaming in Macon County.  A. This is at this time. Q. Yes. A. That I have concerns about I have concerns about the fact that this is done properly and it does not turn into something that we will later regret.
5 6 7 8 9 10	and making recommendations and writing and drafting for you your initial rules, your first amended rules and your second amended rules, his partners and father and brother were representing VictoryLand at the same time?  A. Yes.  Q. You didn't see a conflict in that?	5 6 7 8 9 10 11 12 13	organization can get a license to conduct Class B bingo gaming in Macon County.  A. This is at this time. Q. Yes. A. That I have concerns about I have concerns about the fact that this is done properly and it does not turn into something that we will later regret. Q. Milton McGreggor is president and
5 6 7 8 9 10 11 12	and making recommendations and writing and drafting for you your initial rules, your first amended rules and your second amended rules, his partners and father and brother were representing VictoryLand at the same time?  A. Yes.  Q. You didn't see a conflict in that?  As sheriff, you would be the regulator of Class B bingo in Macon County; is that correct?  A. Yes.	5 6 7 8 9 10 11 12 13 14	organization can get a license to conduct Class B bingo gaming in Macon County.  A. This is at this time. Q. Yes. A. That I have concerns about I have concerns about the fact that this is done properly and it does not turn into something that we will later regret. Q. Milton McGreggor is president and CEO of VictoryLand; am I correct?
5 6 7 8 9 10 11 12 13	and making recommendations and writing and drafting for you your initial rules, your first amended rules and your second amended rules, his partners and father and brother were representing VictoryLand at the same time?  A. Yes.  Q. You didn't see a conflict in that?  As sheriff, you would be the regulator of Class B bingo in Macon County; is that correct?  A. Yes.  Q. And VictoryLand has been, and still	5 6 7 8 9 10 11 12 13 14 15	organization can get a license to conduct Class B bingo gaming in Macon County.  A. This is at this time. Q. Yes. A. That I have concerns about I have concerns about the fact that this is done properly and it does not turn into something that we will later regret. Q. Milton McGreggor is president and CEO of VictoryLand; am I correct? A. Yes.
5 6 7 8 9 10 11 12 13 14	and making recommendations and writing and drafting for you your initial rules, your first amended rules and your second amended rules, his partners and father and brother were representing VictoryLand at the same time?  A. Yes.  Q. You didn't see a conflict in that?  As sheriff, you would be the regulator of Class B bingo in Macon County; is that correct?  A. Yes.  Q. And VictoryLand has been, and still is, the only qualified location for a Class B	5 6 7 8 9 10 11 12 13 14 15 16	organization can get a license to conduct Class B bingo gaming in Macon County.  A. This is at this time. Q. Yes. A. That I have concerns about I have concerns about the fact that this is done properly and it does not turn into something that we will later regret. Q. Milton McGreggor is president and CEO of VictoryLand; am I correct? A. Yes. Q. He can communicate to you, through
5 6 7 8 9 10 11 12 13 14 15	and making recommendations and writing and drafting for you your initial rules, your first amended rules and your second amended rules, his partners and father and brother were representing VictoryLand at the same time?  A. Yes.  Q. You didn't see a conflict in that?  As sheriff, you would be the regulator of Class B bingo in Macon County; is that correct?  A. Yes.  Q. And VictoryLand has been, and still	5 6 7 8 9 10 11 12 13 14 15 16 17	organization can get a license to conduct Class B bingo gaming in Macon County.  A. This is at this time. Q. Yes. A. That — I have concerns about — I have concerns about the fact that this is done properly and it does not turn into something that we will later regret. Q. Milton McGreggor is president and CEO of VictoryLand; am I correct? A. Yes. Q. He can communicate to you, through the law firm, anything that he needs to, and
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	Court Reporting * Legal Vid		
	Page 277		Page 279
4	acting it	1	Macon County.
1	saying, it MR. GRAY, JR.: is on	2	Q. You are required, I think, since
2	attorney/client privilege.	3	you initially promulgated rules and regulations,
3	MR. GRAY: And there's no way he	4	to do background checks on those who are hold
4	can know what Milton McGreggor would do.	5	on. Bear with me a second.
5	MR. THOMAS: Well, we don't –	6	Those who own the qualified
6	MR. GRAY: You can make any	7	location
7	inference you want to with him, but to have the	8	A. Yes.
8	witness testify about what another person would	9	Q if it's someone other than the
9	witness testily about what another person would	10	Class B license holder, you required to do
10	testify to is improper. And we object to the	11	investigation and backgrounds of those who have
11	form.	12	an interest in the ownership of the qualified
12	Q. (By Mr. Thomas) Well, can you	13	location, aren't you?
13	answer, sheriff?	14	A. Yes.
14	MR. GRAY, JR.: Well, what's your	15	Q. Have you done so for VictoryLand,
15	question?	16	investigated all of those who own or are
16	Q. (By Mr. Thomas) Has Milton	17	principals shareholders or partners in that
17	McGreggor communicated to you, through the Fred	18	entity?
18		19	A. lam – on some of them.
19	•	20	Q. Define for me on some of them.
20		21	A. Mainly Milton McGreggor and
21		22	mainly Milton McGreggor.
22		23	Q. Who are some of the other
23	A. Not to my knowledge. You know, I	23	
	Page 278		Page 280
1	would guess that when people people may	1	stockholders, partners, shareholders of that
2	the state of impression but not	2	business entity?
3		3	
1		4	
5		5	
	and the state of t	6	at this point.
	and the second of	7	
-	3 Macon County. And that's what I do.	8	was: Who are some of the other persons you've
- 1	Q. And what is that best interest,	9	
	300	10	
1	- u talana tamaka	11	
- 1	2 sure that when people do come to Macon County to	12	
- 1	3 do this that I protect the interest of the	13	Gray is a stockholder, investor, member, partner
	4 average citizen who voted for this.	14	4 of VictoryLand?
- 1	5 Q. Are you finished?	1	5 A. Yes
	6 A. I'm through.	11	
	Q. How would that be offended by	1	
J		1	8 an affirmative response by nodding his head up
	tie dispetion of license	1	9 and down.)
		1	0 Q. Which one, a partner?
		2	
l l	If The man not		2 Q. Well, what's the extent that you
- 1	u	1	3 know of his investment?
L	23 Reverend Walker would have all adverse affect of	20000 2000	70 (Pages 277 to 28

70 (Pages 277 to 280)

		Page 281		Page 283
4	Δ	I don't know the extent of his	1	more than that?
1	A. investme	1	2	A. Yes.
		And when I say Fred Gray, I'm	3	Q. Why have you not? And this is what
3	Q.			you have been required to do since December 5,
4		spectfully Fred Gray, Sr.		2003, in your first your initial rules and
5	A.	Yes. Okay. Sheriff, now let me see if I		regulations. This is what you said you would
6	Q.	nd. Fred Gray, Sr. is the senior	7	do.
7		n the law firm of Gray, et cetera; is	8	And my question is two and a half
8	that corre		9	years later you have not done that; is that
9		Yes.	10	correct?
10	Α.		11	A. I have — I have not formally done
11	Q.	And you know that?	12	it.
12	Α.	Yes. And to your own knowledge is an	13	Q. And my question is why not?
13	Q.		14	A. Most of – mostly because they have
14		in VictoryLand? I don't know that per se. I don't	15	been through such an extensive background check
15	A.	at per se.	16	that yes.
16		And what do you mean by you don't		Q. What information are you privy to
17	Q.		18	that you would make such a statement about?
18		at per se? I don't know if he's an investor or	19	Anything that is at VictoryLand I
19	A.	TOUTT KNOW II HE'S AIT INVESTOR OF	20	have privy to, I'm privy to.
20	not.	Well, you just stated that he was.	21	Q. State to me the names of the
21	Q.	I don't know that per se.	22	persons who you know are the partners, members
22	A. Q <i>.</i>	Well, aren't you required to make	23	or stockholders of that entity.
23	Q.		<u> </u>	Page 284
1		Page 282		_
1		termination at the qualified location of	1	I'm sorry. State for the Court who
2		o are partners, members or stockholders	2	you know are the partners, members or
3		ntity that own collectively at least	3	stockholders of the entity known as Macon County
4	two-third	s (2/3) of the voting rights and	4	Greyhound Park, doing business as VictoryLand,
5	equities of	of such entity?	5	located at 8680 County Road 40, Shorter, Alabama
6	A.	Yes.	6	36075.
7	Q.	Well, have you done that?	7	A. I can't call all their names off
8	A.	(No verbal response).	8	the top of my head.
9	Q.	Have you done it?	9	Q. Do you have records of the names of
10	A.	Have I done?	10	those individuals?
11	Q.	Have you done some type of review	11	A. Yes, I do.
12		le some confirmation of the entity that	12	
13	owns the	e qualified location at VictoryLand?	13	
14	A.	Yes.	14	
15		Okay. And my question to you: Who	15	
16		he partners, members or stockholders of	16	
17	that enti	ty have you made such an inquiry	17	
18	regardir	g?	18	
19	A.	No one at this time.	19	· ·
100	Q.	You just said Milton McGreggor.	20	
20		I did. I said I did Milton	21	
21				the standard and provinces
- 1		igor, and that was it.  Well, aren't you required to do	22 23	

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		1	that they get, we have not made any inquiries as
1	Is it your testimony now that you	2	to how they use those funds but that we're
2	don't know whether or not Fred Gray, Jr		working on that right now.
3	whether or not Fred Gray, Sr. is a partner,	3 4	Q. Well, what amount do you know of
4	member or stockholder of VictoryLand?	-	that the charities have received since the
5	MR. GRAY, JR.: You actually asked	5	implementation of your rules in December of '03
6	earlier whether he was an investor.	6	
7	MR. THOMAS: Again, let me use his	7.	to the present?  A. I don't know that amount exactly.
8	language.	8	
9	THE WITNESS: I don't know whether	9	
10	he's an investor or not.	10	guesstimate of what monies have been paid to the
11	Q. (By Mr. Thomas) But the records	11	charities?
12	that you have in your office will identify for	12	A. A guess?
13	us those partners, members or stockholders of	13	Q. Yes.
14	VictoryLand?	14	MR. GRAY, JR.: No. He's not going
15	A. Yes.	15	to guess.
16	Q. And you'll produce that?	16	Q. (By Mr. Thomas) Well, you are the
17	A. Yes.	17	official who would know; am I correct?
18	Q. If it is established that Fred Gray	18	A. I can - I have that information.
19	or some other members of his firm are partners,	19	<ul> <li>Q. Well, do you have any objection to</li> </ul>
20	members or stockholders of VictoryLand, do you	20	producing that to us?
21	see that as being any conflict with Fred Gray,	21	A. No.
22	Jr. advising and appearing and drafting rules	22	<ul> <li>Q. And again, sheriff, that would be</li> </ul>
23	and regulations to govern Class B bingo in Macon	23	from the implementation of the rules in December
	Page 286		Page 288
	Overt O	1	of '03.
1	County?	2	MR. GARY: Why don't we so that
2	A. I don't I truly don't see that	3	the record is clear, whatever you want make an
3	as a conflict.	4	appropriate request for it.
4	Q. You do?		
		1	
5	A. I don't	5	MR. THOMAS: Yeah. We're going to
6	<ul><li>A. I don't</li><li>Q. You don't see that as a conflict?</li></ul>	5 6	MR. THOMAS: Yeah. We're going to do the wish list. Thank you, sheriff.
-	<ul><li>A. I don't</li><li>Q. You don't see that as a conflict?</li><li>A personally.</li></ul>	5 6 7	MR. THOMAS: Yeah. We're going to do the wish list. Thank you, sheriff. Q. Sheriff, do you have any knowledge
6	<ul> <li>A. I don't</li> <li>Q. You don't see that as a conflict?</li> <li>A personally.</li> <li>Q. Do you see how others could</li> </ul>	5 6 7 8	MR. THOMAS: Yeah. We're going to do the wish list. Thank you, sheriff. Q. Sheriff, do you have any knowledge of what monies or gross receipts have been
6 7	<ul> <li>A. I don't</li> <li>Q. You don't see that as a conflict?</li> <li>A personally.</li> <li>Q. Do you see how others could</li> <li>possibly</li> </ul>	5 6 7 8 9	MR. THOMAS: Yeah. We're going to do the wish list. Thank you, sheriff.  Q. Sheriff, do you have any knowledge of what monies or gross receipts have been received by the one qualified location,
6 7 8	<ul> <li>A. I don't</li> <li>Q. You don't see that as a conflict?</li> <li>A personally.</li> <li>Q. Do you see how others could possibly</li> </ul>	5 6 7 8 9 10	MR. THOMAS: Yeah. We're going to do the wish list. Thank you, sheriff.  Q. Sheriff, do you have any knowledge of what monies or gross receipts have been received by the one qualified location, VictoryLand, since the implementation of your
6 7 8 9	<ul> <li>A. I don't</li> <li>Q. You don't see that as a conflict?</li> <li>A personally.</li> <li>Q. Do you see how others could possibly</li> <li>A. I can see how others possibly would.</li> </ul>	5 6 7 8 9 10 11	MR. THOMAS: Yeah. We're going to do the wish list. Thank you, sheriff.  Q. Sheriff, do you have any knowledge of what monies or gross receipts have been received by the one qualified location, VictoryLand, since the implementation of your rules from December '03 to the present —?
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6 7 8 9 10 11 12 13 14 15 16	A. I don't — Q. You don't see that as a conflict? A. — personally. Q. Do you see how others could possibly — A. I can see how others possibly would. MR. THOMAS: Okay. If we could have five minutes. I'm at my conclusion. (Whereupon, the taking of the deposition was recessed from approximately 4:44 p.m., to approximately 5:04 p.m., after which the following proceedings were had and done:)	5 6 7 8 9 10 11 12 13 14 15 16	MR. THOMAS: Yeah. We're going to do the wish list. Thank you, sheriff.  Q. Sheriff, do you have any knowledge of what monies or gross receipts have been received by the one qualified location, VictoryLand, since the implementation of your rules from December '03 to the present —?  A. No. Q. — August of '06? A. No. Q. Is that information reported to you?  A. No, it's not.
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Γ	Pogo 290		Page 291
	Page 289		-
1	by proper means.	1	regulations you've increased the prize money up to \$20 million.
2	Q. (By Mr. Thomas) Describe your	2 3	And in your earlier testimony you
3	access to this information, the gross receipts		were making references to you wanted to make
4	of the qualified location doing business as	4 5	sure that the charities were benefiting?
5	VictoryLand?	6	A. Yes.
6	A. Through the business office.	7	Q. You never had the question of
7	Q. The business office?	8	trying to find out how much money VictoryLand
8	A. Yes.	9	was making in gross revenues to come to mind?
9	Q. Is there any particular official of	10	A. No.
10	VictoryLand who would be your primary contact	11	Q. Wouldn't it be a concern of yours
11	person?	12	to know that information?
12	A. I'm free to contact anybody there any time to get whatever.	13	A. Yes.
13		14	Q. And notwithstanding that concern,
14	Q. And at any time have you ever done that?	15	you haven't taken any efforts to ascertain that
15 16	MR. GRAY: Done what?	16	information?
17	MR. THOMAS: Contacted an official	17	A. Not at this time.
18	at VictoryLand to find out what their gross	18	Q. What if VictoryLand is making
19	receipts have been.	19	billions of dollars and the charities are only
20	THE WITNESS: Early on.	20	getting hundreds? What would be your position
21	Q. (By Mr. Thomas) About when?	21	on that?
22	A. It was early in the process.	22	A. Well
23	Q. The rules were implemented in	23	Q. Excuse me?
	Page 290		Page 292
1	December of '03. When would it have been?	1	A. I'd be surprised.
2	A. Maybe a few months after that.	2	Q. And concerned?
3	Q. And at that time what were you told	3	A. And concerned.
4	the gross receipts were?	4	<ul> <li>Q. And that would not be the spirit of</li> </ul>
5	A. I don't remember. It was I	5	your rules and regulations, would it, for the
6	don't exactly remember.	6	qualified location to make all of the money and
7	Q. Well, was it in the thousands?	7	the charities not receive anything?
8	A. I'm pretty sure it was. It was by	8	That wasn't the spirit of your
9	word of mouth.	9	rules, was it?
10		10	A. Exactly.
11	A. No.	11	<ul> <li>Q. When do you plan to make that kind</li> </ul>
12	Q. And since that time have you	12	of inquiry to VictoryLand?
13	made any inquiries of the one qualified location	13	MR. GRAY: We object to the form.
14	and the second s	14	Q. (By Mr. Thomas) It's noted. Go
15	in force and effect of what their gross receipts	15	ahead and answer, sheriff.
16	have been?	16	
17	A. No.	17	
18	· · · · · · · · · · · · · · · · · · ·	18	
19		19	
20		20	· · · · · · · · · · · · · · · · · · ·
21		21	
22	· ·	22	•
23	attended, and through your own rules and	23	A. Yes.

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	Page 293		Page 295
1	Q. Returning back to your earlier	1	contribution from VictoryLand?
2	testimony about when you stated early on that	2	A. No.
3	you thought that Fred Gray, Sr. was an investor,	3	Q. Just as a follow-up to your
4	was that at times during 2003, 2004, 2005 and	4	response earlier about you didn't know in what
5 6	currently?	5 6	capacity they worked on your campaign, who are
7	MR. GRAY, JR.: You're asking did he think that at that time?	7	you making reference to when you say "they"?  A. There were employees who worked in
8	MR. THOMAS: Well, that's what he	8	the field for me who worked on my campaign.
9	said, he thought he was an investor.	9	Other than that, you know, they carried
10			literature and things like that.
11	-		MR. THOMAS: Sheriff, bear with us
12			one second, and we'll see if we can wrap this
13	MR. GRAY, JR.: That he thought it	12 13	up. Let me ask well, let me see first if he
14	then? Or that he thinks it now, is your	14	can identify this.
15	question?	15	MR. GRAY: It's a check in 2004?
16	Q. (By Mr. Thomas) Well, then. I'm	16	It's not — the campaign had just ended.
17	very specific with the question. When you	17	MR. THOMAS: Well, I don't know.
18	testified that you thought that Fred Gray, Sr.	18	We don't know. That's why we're asking. This
19	was an investor in VictoryLand, was that in	19	is in '04.
20	2003?	20	MR. GRAY: That's '04. Is that
21	A. No.	21	another one?
22	Q. 2004?	22	MR. THOMAS: That's another one.
23	A. I'm not sure when it was.	23	Let me go ahead and mark this.
1	Page 294		Page 296
1	Q. 2005?	1	(Whereupon, said document was
2	A. I said I'm not sure when it was.	2	marked for identification as
3	Q. 2006. I'm just attempting to	3	Plaintiffs' Exhibit No. 13 to the
4	refresh your recollection. That's all.	4	deposition of David M. Warren.)
5	A. Uh-huh (affirmative).	5	THE WITNESS: I never received
6	Q. So, you just don't recall?	6	this.
7	A. I don't recall when it was.     Q. Have you ever received any personal	7	Q. (By Mr. Thomas) Sheriff, if I may,
8	· · · · · · · · · · · · · · · · · · ·	8	let me show you what has been marked as Plaintiffs' Exhibit 13
10	gift or payment for services or any other monies from Milton McGreggor?	9 10	A. I've never received this.
11	A. No.	11	Q. — and I'll ask you if you can
12	Q. You stated earlier that you had	12	identify this document?
13	received a campaign contribution from	13	A. Yes.
14	VictoryLand and Milton McGreggor.	14	Q. You can?
15	A. I did not state that I had received	15	A. I mean, I see it's a check.
16	a campaign contribution. I stated that I did	16	Q. Okay. It is paid to the order of
17	they probably worked on my campaign. I don't	17	David Warren in the amount of the \$5,000 and
18	know in what capacity though.	18	it's dated May 6th, 2004, and it appears to have
19	Q. So, let me just specifically ask	19	a signature of a Milton McGreggor.
20	you, have you ever received a campaign	20	Are you familiar with the signature
21	contribution from Milton McGreggor?	21	of Mr. McGreggor? You can answer.
22	A. No.	22	A. 2004.
	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·
23	Q. Have you ever received a campaign	23	Q. That was about a month before you

74 (Pages 293 to 296)

	Page 297		Page 299
1	did your first amendment to your regulations.	1	about the past eight hours or so?
2	You remember on June 2nd, 2004, you did your	2	A. Uh-huh (affirmative).
3	first amendment. This was about a month before	3	MR. THOMAS: Not including lunch
4	then.	4	and various breaks.
5	Did you ever receive this check?	5	MR. GRAY, JR: He still had to sit
6	A. (No verbal response).	6	in here.
7	Q. You can answer, sheriff.	7	MR. THOMAS: What?
8	A. I don't remember receiving this	8	MR. GRAY, JR.: He's still been
9	check.	9	sitting in here.
10	Q. Okay. You don't ever remember	10	MR. GRASSO: Well
11	seeing this?	11	MR. GRAY, JR.: Well, let me just
12	A. I don't remember receiving that.	12	ask my questions. That's not
13	MR. THOMAS: As a housekeeping	13	MR. GRASSO: That's fine.
14	chore, all of the exhibits that I have not	14	Q. (By Mr. Gray, Jr.) Sheriff, over
15	offered to be admitted and made a part of the	15	the course of the time that you have had
16	sheriff's deposition, I now do so.	16	anything to do with bingo and Macon County, have
17	MR. GRAY, JR.: Without seeing	17	you treated applicants fairly?
18	anything on the back that shows that's been	18	A. I think I have.
19	negotiated, we object to the introduction or	19	Q. And with respect to the
20	even the offering of Plaintiffs' 13.	20	applications that you received, have you given
21	MR. THOMAS: But he said he didn't	21	each one consideration?
22	remember it. So	22	A. Yes.
23	MR. GRAY: Do you have the other	23	Q. With respect to applications that
	Page 298		Page 300
1	the back of it?	1	you received even as early as December of 2003,
2	MR. THOMAS: No.	2	what's the process?
3	MR. GRAY, JR.: You don't have the	3	A. What is the process?
4	original?	4	<ul><li>Q. Yes. Do you receive a — where</li></ul>
5	MR. THOMAS: Well, we're not	5	would people even get the applications?
6	admitting it. He said he couldn't identify it.	6	<ol> <li>At the sheriff's office.</li> </ol>
7	MR. GRAY, JR.: Yeah. I'm just	7	Q. Okay. And what would you do upon
8	asking do you have the original?	8	receiving the completed application?
9	MR. THOMAS: I do not.	9	A. We would – I'd turn it over to
10	MR. GRAY, JR.: Okay.	10	Tommy Miller, and he goes through it, makes sure
11	THE WITNESS: I don't remember	11	all of the documentation is there and all the
12	getting a check.	12	things are all the required stuff is there.
13	MR. THOMAS: Well, that's all that	13	Q. Okay. And that happens there at
14	matters.	14	the sheriff's office?
15	MR. GRAY, JR.: Okay. That's it?	15	A. Yes.
16	MR. THOMAS: With that and offering	16	Q. And what was the purpose in
17	all of the exhibits we've offered, we'll now	17	promulgating the rules in the very beginning?
18	tender the witness.	18	Why did you even set up any rules?
19	MR. GRAY, JR.: All right. Thank	19	A. For the regulation of bingo.     Q. All right. Sheriff, at the point.
20	YOU.	21	Q. All right. Sheriff, at the point when you promulgated the first amended rules,
21	EXAMINATION BY MR. GRAY, JR.:  Q. Sheriff, I have just a few	22	generally speaking, what was your reason for
1 . ), )		1 //	- DEDECORY SPECKING WHAT WAS VOID TEASON TO
22 23	questions for you. And you've sat in here for	23	promulgating those amended rules, the rules from

1	Page 301		Page 303
1	the	1	Q. To your knowledge, was Reach One,
2	A. The first amendment?	2	Teach One of America a nonprofit organization in
3	Q. Yes, sir.	3	the year 2003?
4	A. Amended rules?	4	A. I'd have to refresh my memory.
5	Q. Plaintiffs' Exhibit 4.	5	Q. All right. And if you looked at
6	A. It was for the I think six	6	the application, will that help you at all?
7	months had passed, and I saw some things that	7	A. Yes.
8	needed to be addressed.	8	Q. And when you say the application,
9	And as I said, I had no idea that	9	I'm referring to Reach One, Teach One's
10	bingo would become what it was.	10	application. Which is Plaintiffs' Exhibit 9; is
11	Q. When you say you had no idea that	11	that correct?
12	it would become what it was, what do you mean?	12	A. In 2003 you're asking?
13	Was it less than you thought it	13	Q. I'm just asking whether or not they
14	would be? Was it more than you thought it would	14	claim to have been in existence in 2003?
15	be?	15	A. Whether or not they claim to be in
16	A. Yes. It was much more than I	16	existence in 2003. Let me
17	thought it would be.	17	Q. Just by reviewing the face of the
18	Q. And in your commentary in your	18	application.
19	first paragraph, did you generally set forth why	19	A. I can't there's nothing on the
20	you amended these regulations?	20	face that states when they were in how long
21	A. Yes.	21	they've been in existence.
22	Q. And that's set forth in the	22	Q. So, as you look at Page 1 of the
23	document. That's in Plaintiff's Exhibit 4?	23	Reach One, Teach One of America Inc.
	Page 302		Page 304
1	A. Yes,	1	application, do you see anything that tells you
2	Q. All right. Did you have any - let	2	when the entity was incorporated?
3	me ask you this question. And then with respect	3	
		1	A. No.
4	to the specific changes, did you have a reason	4	A. No. Q. Did they provide to you a copy of
4 5	to the specific changes, did you have a reason or a rationale for each particular change	_	
1		4	Q. Did they provide to you a copy of
5	or a rationale for each particular change	4 5	Q. Did they provide to you a copy of the articles of incorporation with the
5 6	or a rationale for each particular change A. Yes.	4 5 6	Q. Did they provide to you a copy of the articles of incorporation with the application?
5 6 7	or a rationale for each particular change A. Yes. Q that you made?	4 5 6 7	Q. Did they provide to you a copy of the articles of incorporation with the application?
5 6 7 8 9	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes.	4 5 6 7 8	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not
5 6 7 8 9 10	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules	4 5 6 7 8 9 10	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of
5 6 7 8 9 10 11 12	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules and regulations?	4 5 6 7 8 9 10 11 12	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of incorporation?
5 6 7 8 9 10 11 12	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules and regulations? A. Yes.	4 5 6 7 8 9 10 11 12 13	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of incorporation?  A. No.
5 6 7 8 9 10 11 12 13	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules and regulations? A. Yes. Q. And did you, also, when you	4 5 6 7 8 9 10 11 12	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of incorporation?  A. No.  Q. Did you ever receive a copy of the
5 6 7 8 9 10 11 12 13 14 15	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules and regulations? A. Yes. Q. And did you, also, when you promulgated a second amended and restated set of	4 5 6 7 8 9 10 11 12 13 14 15	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of incorporation?  A. No.  Q. Did you ever receive a copy of the bylaws from Reach One, Teach One of America,
5 6 7 8 9 10 11 12 13 14 15 16	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules and regulations? A. Yes. Q. And did you, also, when you promulgated a second amended and restated set of rules and regulations, set forth your reason for	4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of incorporation?  A. No.  Q. Did you ever receive a copy of the bylaws from Reach One, Teach One of America, Incorporated?
5 6 7 8 9 10 11 12 13 14 15 16 17	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules and regulations? A. Yes. Q. And did you, also, when you promulgated a second amended and restated set of rules and regulations, set forth your reason for each change?	4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of incorporation?  A. No.  Q. Did you ever receive a copy of the bylaws from Reach One, Teach One of America, Incorporated?  A. Okay. Certificate of
5 6 7 8 9 10 11 12 13 14 15 16 17 18	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules and regulations? A. Yes. Q. And did you, also, when you promulgated a second amended and restated set of rules and regulations, set forth your reason for each change? A. Yes.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of incorporation?  A. No.  Q. Did you ever receive a copy of the bylaws from Reach One, Teach One of America, Incorporated?  A. Okay. Certificate of incorporation. Oh, this is for MCI I believe.
5 6 7 8 9 10 11 12 13 14 15 16 17 18	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules and regulations? A. Yes. Q. And did you, also, when you promulgated a second amended and restated set of rules and regulations, set forth your reason for each change? A. Yes. Q. And did any of those changes —	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of incorporation?  A. No.  Q. Did you ever receive a copy of the bylaws from Reach One, Teach One of America, Incorporated?  A. Okay. Certificate of incorporation. Oh, this is for MCI I believe.  Q. All right.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules and regulations? A. Yes. Q. And did you, also, when you promulgated a second amended and restated set of rules and regulations, set forth your reason for each change? A. Yes. Q. And did any of those changes — were any of those changes directed at preventing	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of incorporation?  A. No.  Q. Did you ever receive a copy of the bylaws from Reach One, Teach One of America, Incorporated?  A. Okay. Certificate of incorporation. Oh, this is for MCI I believe.  Q. All right.  A. I don't see an articles of
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	or a rationale for each particular change —  A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules and regulations? A. Yes. Q. And did you, also, when you promulgated a second amended and restated set of rules and regulations, set forth your reason for each change? A. Yes. Q. And did any of those changes — were any of those changes directed at preventing Reach One, Teach One from applying for a Class B	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of incorporation?  A. No.  Q. Did you ever receive a copy of the bylaws from Reach One, Teach One of America, Incorporated?  A. Okay. Certificate of incorporation. Oh, this is for MCI I believe.  Q. All right.  A. I don't see an articles of Q. Of incorporation. All right. Let
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	or a rationale for each particular change — A. Yes. Q. — that you made? And did you articulate your reasons in the commentary in Plaintiffs' Exhibit 4? A. Yes. Q. Which is the first amended rules and regulations? A. Yes. Q. And did you, also, when you promulgated a second amended and restated set of rules and regulations, set forth your reason for each change? A. Yes. Q. And did any of those changes — were any of those changes directed at preventing	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Did they provide to you a copy of the articles of incorporation with the application?  A. Let me look.  Q. I know you received the IRS determination letter. I'm asking whether or not you ever had a copy of their articles of incorporation?  A. No.  Q. Did you ever receive a copy of the bylaws from Reach One, Teach One of America, Incorporated?  A. Okay. Certificate of incorporation. Oh, this is for MCI I believe.  Q. All right.  A. I don't see an articles of

1	Page 305		Page 307
1	One, Teach One of America, Inc. in December	1	was read back.)
2	2003?	2	Q. Don't answer that question. Let me
3	A. No.	3	just ask another question and ask it a little
4	Q. Did you ever tell any of the	4	bit better, too.
5	officers of Reach One, Teach One of America that	5	Sheriff, if I told you that on July
6	they could not apply for a Class B license in	6	25, 2005, there were 40 there had only been
7	2003?	7	40 Class B bingo licenses issued, then could 15
8	A. No.	8	charities have applied to conduct bingo at
9	Q. During the calendar year 2004, did	9	another facility, assuming that facility met the
10	you receive an application for an Class B	10	requirement of a qualified location?
11	license from Reach One, Teach One of America,	11	A. Yes.
12	Inc.?	12	Q. Did you receive any such
13	A. No.	13	application?
14	Q. Did you ever tell Minister Walter	14	A. No, not during that time period.
15	Walker or any officers of that corporation that	15	Q. Is there anything in your rules and
16	they could not apply for a Class B license	16	regulations or any of the amendments thereto
17	A. No.	17	that would prohibit any of the charities from
18	Q for bingo purposes?	18	canceling their license and combining with 14
19	During the year during the months	19	other charities and attempting to get a license
20	of June - during the months of 2005, let's say	20	if they had a qualified location?
21	January through June of 2005, did you receive	21	Here's what I'm asking. Say if
22	from Reach One, Teach One of America, Inc. an	22	there were 15 charities that decided they no
23	application for a Class B license?	23	longer wanted to do business with VictoryLand.
	Page 306		Page 308
1	A. June of 2005?	1	A. Right.
2	Q. Yes, sir.	2	Q. And if those 15 charities decided
3	A. No.	3	that they wanted to have their bingo operated by
1			and they wanted to have their brige operated by
4	<ul> <li>Q. So, all the way from the time that</li> </ul>	4	some other entity.
5	Q. So, all the way from the time that bingo started in 2003 through 2005, you never	4 5	
5 6			some other entity.
5	bingo started in 2003 through 2005, you never	5	some other entity.  A. Right.  Q. And that entity, it was a qualified location.
5 6 7 8	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?	5 6 7 8	some other entity.  A. Right.  Q. And that entity, it was a qualified location.  A. Right.
5 6 7 8 9	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes.	5 6 7 8 9	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the
5 6 7 8 9	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes.  Q. Let's just say, sheriff, had you	5 6 7 8 9	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?
5 6 7 8 9 10 11	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes.  Q. Let's just say, sheriff, had you received an application from Reach One, Teach	5 6 7 8 9 10	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it.
5 6 7 8 9 10 11 12	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes.  Q. Let's just say, sheriff, had you received an application from Reach One, Teach One of America, Inc. in June 2005.	5 6 7 8 9 10 11	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it. Q. Okay. Assuming that they met all
5 6 7 8 9 10 11 12	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes.  Q. Let's just say, sheriff, had you received an application from Reach One, Teach One of America, Inc. in June 2005.  A. No.	5 6 7 8 9 10 11 12 13	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it. Q. Okay. Assuming that they met all the other criteria?
5 6 7 8 9 10 11 12 13 14	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes.  Q. Let's just say, sheriff, had you received an application from Reach One, Teach One of America, Inc. in June 2005.  A. No.  Q. But if you	5 6 7 8 9 10 11 12 13 14	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it. Q. Okay. Assuming that they met all the other criteria? A. Yes.
5 6 7 8 9 10 11 12 13 14 15	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes.  Q. Let's just say, sheriff, had you received an application from Reach One, Teach One of America, Inc. in June 2005.  A. No.  Q. But if you  A. In June 2005?	5 6 7 8 9 10 11 12 13 14 15	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it. Q. Okay. Assuming that they met all the other criteria?  A. Yes. Q. Background and that type criteria;
5 6 7 8 9 10 11 12 13 14 15 16	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes. Q. Let's just say, sheriff, had you received an application from Reach One, Teach One of America, Inc. in June 2005.  A. No. Q. But if you A. In June 2005? Q. Well, let's just say if you got one	5 6 7 8 9 10 11 12 13 14 15 16	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it. Q. Okay. Assuming that they met all the other criteria?  A. Yes. Q. Background and that type criteria; is that correct?
5 6 7 8 9 10 11 12 13 14 15 16	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes. Q. Let's just say, sheriff, had you received an application from Reach One, Teach One of America, Inc. in June 2005.  A. No. Q. But if you A. In June 2005? Q. Well, let's just say if you got one from them and if they had a qualified location	5 6 7 8 9 10 11 12 13 14 15 16	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it. Q. Okay. Assuming that they met all the other criteria?  A. Yes. Q. Background and that type criteria; is that correct?  A. Yes.
5 6 7 8 9 10 11 12 13 14 15 16 17 18	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes.  Q. Let's just say, sheriff, had you received an application from Reach One, Teach One of America, Inc. in June 2005.  A. No.  Q. But if you  A. In June 2005?  Q. Well, let's just say if you got one from them and if they had a qualified location and if they had well, then what would you	5 6 7 8 9 10 11 12 13 14 15 16 17	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it. Q. Okay. Assuming that they met all the other criteria? A. Yes. Q. Background and that type criteria; is that correct? A. Yes. Q. All right. Now, if MCl had a
5 6 7 8 9 10 11 12 13 14 15 16 17 18	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes.  Q. Let's just say, sheriff, had you received an application from Reach One, Teach One of America, Inc. in June 2005.  A. No.  Q. But if you  A. In June 2005?  Q. Well, let's just say if you got one from them and if they had a qualified location and if they had well, then what would you have done with their application?	5 6 7 8 9 10 11 12 13 14 15 16 17 18	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it. Q. Okay. Assuming that they met all the other criteria? A. Yes. Q. Background and that type criteria; is that correct? A. Yes. Q. All right. Now, if MCl had a facility, then —
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes.  Q. Let's just say, sheriff, had you received an application from Reach One, Teach One of America, Inc. in June 2005.  A. No.  Q. But if you  A. In June 2005?  Q. Well, let's just say if you got one from them and if they had a qualified location and if they had well, then what would you have done with their application?  A. Say the question again.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it. Q. Okay. Assuming that they met all the other criteria?  A. Yes. Q. Background and that type criteria; is that correct?  A. Yes. Q. All right. Now, if MCl had a facility, then —  Let's just say if in 2004 MCl had a
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes. Q. Let's just say, sheriff, had you received an application from Reach One, Teach One of America, Inc. in June 2005.  A. No. Q. But if you A. In June 2005? Q. Well, let's just say if you got one from them and if they had a qualified location and if they had well, then what would you have done with their application?  A. Say the question again.  MR. GRAY, JR.: All right. Read	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it. Q. Okay. Assuming that they met all the other criteria?  A. Yes. Q. Background and that type criteria; is that correct?  A. Yes. Q. All right. Now, if MCl had a facility, then —  Let's just say if in 2004 MCl had a facility that met the criteria set forth in your
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	bingo started in 2003 through 2005, you never received an application for a Class B license from Reach One, Teach One of America, Inc.; is that your testimony?  A. Yes.  Q. Let's just say, sheriff, had you received an application from Reach One, Teach One of America, Inc. in June 2005.  A. No.  Q. But if you  A. In June 2005?  Q. Well, let's just say if you got one from them and if they had a qualified location and if they had well, then what would you have done with their application?  A. Say the question again.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	some other entity.  A. Right. Q. And that entity, it was a qualified location.  A. Right. Q. What would you do with the application?  A. I would approve it. Q. Okay. Assuming that they met all the other criteria?  A. Yes. Q. Background and that type criteria; is that correct?  A. Yes. Q. All right. Now, if MCl had a facility, then —  Let's just say if in 2004 MCl had a

	Page 309		Page 311
1	complied with all of the other regulations in	1 his testimony?	
2	the rules that you set forth, then would you	2	MR. GRAY: He's really conforming
3	have approved that operator's license	3	the responses to the
4	application?	4	MR. GLASSO: That's fine.
5	MR. GLASSO: Objection to the form.	5	MR. GRAY: admissions to the
6	The rules changed in '04. When in '04?	6	testimony.
7	MR. GRAY, JR.: After June –	7	MR. GLASSO: Yeah. That's fair.
8	MR. GLASSO: When it was \$5 million	8	MR. GRAY: Because I think the
9	to invest or when it was \$15 million to invest	9	testimony is quite clear that the only
10	to get a facility?	10	qualifying locator and the only person who had a
11	Q. (By Mr. Gray, Jr.) After June 2nd,	11	operator's
12	1	12	MR. GLASSO: We all know that. We
ł	2004.	13	wouldn't be here otherwise.
13	A. If they met all of the criteria?	14	MR. GRAY, JR.: Okay. All right.
14	Q. Yes, sir. A. Yes.	15	MR. GRAY: I'm not sure about
15		16	whether we wouldn't be here.
16	Q. Yes, you would? A. Yes.	17	Q. (By Mr. Gray, Jr.) Sheriff, can a
17	A. Yes. Q. You would have approved it?	18	for-profit entity obtain a Class B license for
18		19	bingo?
19		20	A. Not a Class B license, no.
20	MR. GRAY, JR.: All right. Let me just address for one moment — I need to inform	21	Q. Did you have a rational basis, sir,
21	· 1	22	for increasing the minimum number of applicants
22	you, counselor, of one matter on our responses	23	to establish a Class B bingo facility from one
23	to plaintiffs' first request for admissions.	20	
	Page 310		Page 312
1	And we'll do it in writing a little bit later,	1	nonprofit to 15 nonprofit organizations?
2	but we do need to revise one of the responses.	2	A. Yes, I did.
3	MR. THOMAS: Which one?	3	<ul> <li>Q. And you've already discussed that</li> </ul>
4	MR. GRAY, JR.: Number four.	4	today, haven't you?
5	MR. GLASSO: Why don't you make it	5	A. Yes.
6	for the record and then and you could also do	6	<ul> <li>Q. And did you have a rational basis</li> </ul>
7	it in writing if you want.	7	for limiting the number of Class B licenses to a
8	MR. GRAY, JR.: Defendant Sheriff	8	maximum of 60?
9	Warren's responses to plaintiffs' first request	9	A. I did.
10	for admissions.	10	Q. And you have set that forth to us
11	The question was did 59 Class B	11	today as well; is that correct?
12	bingo licensees conduct bingo games through the	12	A. Uh-huh (affirmative).
13	same operator. The problem was with the number	1	Q. Is that a yes?
14	of licensees.	14	A. Yes.
15	But suffice it to say if it was 60,	15	MR. GRAY, JR.: One moment, sir.
16	then however many there were, they all conduct	16	(Whereupon, an off-the-record
17	the bingo through that same operator.	17	discussion was held.)
18	MR. THOMAS: So, you're saying 60?	18	MR. GRAY, JR.: Sheriff, just a
19	MR. GRAY: Well, no, he's not	19	couple of more questions perhaps.
20	saying	20	Q. And you may have already testified
21	MR. GRAY, JR: I'm just saying	21	concerning this issue, but when your when you
22	admit.	22	promulgated the original rules and regulations,
23	MR. GLASSO: You're just conforming	23	were they generally made public?

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	Page 313		Page 315
1	A. Yes.	1	Q. Now, did how do you interpret
2	Q. How? How did you notify the	2	that
3	public?	3	A. I interpret
4	A. Published in the paper.	4	Q. — with respect to bingo in Macon
5	Q. And when you say published in the	5	County?
6	paper, what papers?	6	A. Well, I interpreted that to mean
7	A. The Tuskegee News.	7	that he was against expansion of gambling
8	Q. And is that a paper of general	8	anywhere.
9	circulation in Macon County, Alabama?	9	Q. And did this report come out was
10	A. Yes.	10	this report part of the reason that you
11	Q. And when you promulgated the first	11	promulgated the second amendment to the rules
12	amended and restated rules and regulation, did	12	and regulations?
13	you also publish that?	13	A. Yes.
14	A. Yes.	14	Q. In particular, the part with
15	Q. And how was that how did the	15	respect to limiting the number of licensees to
16	public receive notice of that?	16	60?
17	A. In The Tuskegee News.	17	A. Yes.
18	Q. And with respect to the second	18	MR. GRAY, JR.: Although, you've
19	amended and restated rules and regulations for	19	already stated this was not your total
20	the licensing and operation of bingo games in	20	reasoning. You've stated pretty emphatically
21	Macon County, did you also inform the public?	21	the balance of your rationale.
22	A. Yes.	22	Sheriff, that's all I have. Mr.
23	Q. How did you inform the public in	23	Thomas may have some more.
	Page 314		Page 316
1	that instance?	1	FURTHER EXAMINATION BY MR. THOMAS:
2	A. In The Tuskegee News.	2	Q. Sheriff, just a few questions. Why
3	Q. When the Attorney General announced	3	is it that when you did your further amendments
4	his findings of his gambling review, did he	4	to your original rules
5	state did he say anything about the expansion	5	A. Uh-huh (affirmative).
6		1 0	A. Official (animative).
1 0	of gambling, whether he was for or against it?	6	Q you never placed any limits on
7	of gambling, whether he was for or against it?  Did he say whether or not he		· · · · · · · · · · · · · · · · · · ·
		6	Q you never placed any limits on
7	Did he say whether or not he	6 7	Q you never placed any limits on Class A bingo licenses?
7 8	Did he say whether or not he  A. My interpretation of what he said,	6 7 8	<ul><li>Q you never placed any limits on</li><li>Class A bingo licenses?</li><li>A. There was not a reason to request</li></ul>
7 8 9	Did he say whether or not he A. My interpretation of what he said, he was against he stood against the expansion	6 7 8 9	Q you never placed any limits on Class A bingo licenses? A. There was not a reason to request the Class A from what I saw, that was the
7 8 9 10	Did he say whether or not he A. My interpretation of what he said, he was against he stood against the expansion of gaming.	6 7 8 9 10	Q you never placed any limits on Class A bingo licenses? A. There was not a reason to request the Class A from what I saw, that was the Class A was mainly the bingo for churches and
7 8 9 10 11	Did he say whether or not he A. My interpretation of what he said, he was against he stood against the expansion of gaming. Q. And in fact in Plaintiffs' Exhibit	6 7 8 9 10 11	Q you never placed any limits on Class A bingo licenses? A. There was not a reason to request the Class A from what I saw, that was the Class A was mainly the bingo for churches and other small charitable organizations.
7 8 9 10 11 12	Did he say whether or not he A. My interpretation of what he said, he was against he stood against the expansion of gaming. Q. And in fact in Plaintiffs' Exhibit 7 in paragraph two does he state as much in	6 7 8 9 10 11 12	Q you never placed any limits on Class A bingo licenses? A. There was not a reason to request the Class A from what I saw, that was the Class A was mainly the bingo for churches and other small charitable organizations. Q. But the Attorney General said that
7 8 9 10 11 12 13	Did he say whether or not he A. My interpretation of what he said, he was against he stood against the expansion of gaming. Q. And in fact in Plaintiffs' Exhibit 7 in paragraph two does he state as much in paragraph two?	6 7 8 9 10 11 12 13	Q you never placed any limits on Class A bingo licenses? A. There was not a reason to request the Class A from what I saw, that was the Class A was mainly the bingo for churches and other small charitable organizations. Q. But the Attorney General said that he was personally opposed to gambling, period.
7 8 9 10 11 12 13 14	Did he say whether or not he —  A. My interpretation of what he said, he was against — he stood against the expansion of gaming.  Q. And in fact in Plaintiffs' Exhibit 7 in paragraph two does he state as much in paragraph two?  A. Yes. That was his personal	6 7 8 9 10 11 12 13 14	Q. — you never placed any limits on Class A bingo licenses?  A. There was not a reason to request the Class A — from what I saw, that was — the Class A was mainly the bingo for churches and other small charitable organizations.  Q. But the Attorney General said that he was personally opposed to gambling, period. I am personally opposed to gambling and have
7 8 9 10 11 12 13 14 15	Did he say whether or not he —  A. My interpretation of what he said, he was against — he stood against the expansion of gaming.  Q. And in fact in Plaintiffs' Exhibit 7 in paragraph two does he state as much in paragraph two?  A. Yes. That was his personal feelings.	6 7 8 9 10 11 12 13 14 15	Q. — you never placed any limits on Class A bingo licenses?  A. There was not a reason to request the Class A — from what I saw, that was — the Class A was mainly the bingo for churches and other small charitable organizations.  Q. But the Attorney General said that he was personally opposed to gambling, period. I am personally opposed to gambling and have voted against its expansion when the opportunity
7 8 9 10 11 12 13 14 15	Did he say whether or not he —  A. My interpretation of what he said, he was against — he stood against the expansion of gaming.  Q. And in fact in Plaintiffs' Exhibit 7 in paragraph two does he state as much in paragraph two?  A. Yes. That was his personal feelings.  Q. Right. And would you just read	6 7 8 9 10 11 12 13 14 15 16	Q you never placed any limits on Class A bingo licenses? A. There was not a reason to request the Class A from what I saw, that was the Class A was mainly the bingo for churches and other small charitable organizations. Q. But the Attorney General said that he was personally opposed to gambling, period. I am personally opposed to gambling and have voted against its expansion when the opportunity has been presented.
7 8 9 10 11 12 13 14 15 16	Did he say whether or not he —  A. My interpretation of what he said, he was against — he stood against the expansion of gaming.  Q. And in fact in Plaintiffs' Exhibit 7 in paragraph two does he state as much in paragraph two?  A. Yes. That was his personal feelings.  Q. Right. And would you just read what he said with respect to expansion gambling	6 7 8 9 10 11 12 13 14 15 16	Q. — you never placed any limits on Class A bingo licenses?  A. There was not a reason to request the Class A — from what I saw, that was — the Class A was mainly the bingo for churches and other small charitable organizations.  Q. But the Attorney General said that he was personally opposed to gambling, period. I am personally opposed to gambling and have voted against its expansion when the opportunity has been presented.  He didn't say whether it was in a
7 8 9 10 11 12 13 14 15 16 17	Did he say whether or not he —  A. My interpretation of what he said, he was against — he stood against the expansion of gaming.  Q. And in fact in Plaintiffs' Exhibit 7 in paragraph two does he state as much in paragraph two?  A. Yes. That was his personal feelings.  Q. Right. And would you just read what he said with respect to expansion gambling in the State?  A. Attorney General King stated that I feel compelled to share with you my own view of	6 7 8 9 10 11 12 13 14 15 16 17 18	Q. — you never placed any limits on Class A bingo licenses?  A. There was not a reason to request the Class A — from what I saw, that was — the Class A was mainly the bingo for churches and other small charitable organizations.  Q. But the Attorney General said that he was personally opposed to gambling, period. I am personally opposed to gambling and have voted against its expansion when the opportunity has been presented.  He didn't say whether it was in a church or if it was out there in the backyard.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Did he say whether or not he —  A. My interpretation of what he said, he was against — he stood against the expansion of gaming.  Q. And in fact in Plaintiffs' Exhibit 7 in paragraph two does he state as much in paragraph two?  A. Yes. That was his personal feelings.  Q. Right. And would you just read what he said with respect to expansion gambling in the State?  A. Attorney General King stated that I feel compelled to share with you my own view of gambling. I am personally opposed to gambling	6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. — you never placed any limits on Class A bingo licenses?  A. There was not a reason to request the Class A — from what I saw, that was — the Class A was mainly the bingo for churches and other small charitable organizations.  Q. But the Attorney General said that he was personally opposed to gambling, period. I am personally opposed to gambling and have voted against its expansion when the opportunity has been presented.  He didn't say whether it was in a church or if it was out there in the backyard. He said I'm opposed to it.  MR. GRAY, JR.: There's no question pending.
7 8 9 10 11 12 13 14 15 16 17 18 19 20	Did he say whether or not he —  A. My interpretation of what he said, he was against — he stood against the expansion of gaming.  Q. And in fact in Plaintiffs' Exhibit 7 in paragraph two does he state as much in paragraph two?  A. Yes. That was his personal feelings.  Q. Right. And would you just read what he said with respect to expansion gambling in the State?  A. Attorney General King stated that I feel compelled to share with you my own view of	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. — you never placed any limits on Class A bingo licenses?  A. There was not a reason to request the Class A — from what I saw, that was — the Class A was mainly the bingo for churches and other small charitable organizations.  Q. But the Attorney General said that he was personally opposed to gambling, period. I am personally opposed to gambling and have voted against its expansion when the opportunity has been presented.  He didn't say whether it was in a church or if it was out there in the backyard. He said I'm opposed to it.  MR. GRAY, JR.: There's no question

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1 gaming gambling license? 2 A. It is. 3 Q. Okay. And you placed no limitation 4 on Class A bingo licenses? 5 A. Because I didn't see any growth in 6 it in any way. 7 Q. All right. Now, you were asked 8 earlier a question about Reach One, Teach One 9 not including in its application its articles of 10 incorporation or stating when that organization 11 was formed or incorporated. 12 Do you remember that? 13 A. Yes, sir. 14 Q. But several organizations have 15 applied and been given application for bingo 16 licenses who didn't state anything about when 17 they were incorporated; isn't that a fact? 18 A. In their folders there is 19 something, a – in their statement there is – 20 there is some article that addresses their 21 incorporation. 22 Q. We had asked you to produce all of 23 the applications for bingo licenses, and this is  Page 318 1 the information that we were given. 2 Are you saying to me that there is 3 more to the applications that were submitted 4 than what counsel produced to us? I mean, I'm 5 just — 6 A. Yes.  1 part of his deposition so everybody wi 2 equal access to them. 3 MR. THOMAS: Yes. 4 14? 5 MR. THOMAS: That's all of t actual applications. 9 MR. GRAY; And 14 is? 7 MR. THOMAS: That's all of t actual applications. 9 MR. GRAY: And 14 is? 1 the incorporated. 11 MR. GRAY: All right. 12 (Whereupon, said document that we produced. 11 MR. GRAY: All right. 12 (Whereupon, said document that we produced. 11 MR. GRAY: All right. 12 (Whereupon, said document that we produced. 11 MR. GRAY: All right. 12 (Whereupon, said document that the produced. 11 MR. GRAY: All right. 12 (Whereupon, said document that we produced. 11 MR. GRAY: All right. 12 (Whereupon, said document that the produced. 11 MR. GRAY: All right. 12 (Whereupon said prictions that we produced. 11 MR. GRAY: All right. 12 (Whereupon said for identification as that we produced. 11 MR. Gray: All right. 12 (Whereupon said for identification as the produced all of identification as the produced. 12 (Whereupon said for identification as the prod	tiff's ne
2 A. It is. 3 Q. Okay. And you placed no limitation 4 on Class A bingo licenses? 5 A. Because I didn't see any growth in 6 it in any way. 7 Q. All right. Now, you were asked 8 earlier a question about Reach One, Teach One 9 not including in its application its articles of 10 incorporation or stating when that organization 11 was formed or incorporated. 12 Do you remember that? 13 A. Yes, sir. 14 Q. But several organizations have 15 applied and been given application for bingo 16 licenses who didn't state anything about when 17 they were incorporated, isn't that a fact? 18 A. In their folders there is 19 something, a — in their statement there is — 20 there is some article that addresses their 21 incorporation. 22 Q. We had asked you to produce all of 23 the applications that we were given. 24 Are you saying to me that there is 25 more to the applications that were submitted 26 than what counsel produced to us? I mean, I'm 27 MR. THOMAS: Yes. 28 MR. GRAY; And 14 is? 29 MR. GRAY; And 14 is? 30 MR. GRAY; And 14 is? 41 MR. GRAY; And 14 is? 41 MR. GRAY; All right. 42 At yes. 43 MR. GRAY; And 14 is? 44 MR. GRAY; And 14 is? 44 MR. THOMAS: Yes. 44 MR. GRAY; And 14 is? 45 MR. THOMAS: Yes. 46 MR. GRAY; And 14 is? 47 MR. THOMAS: Yes. 48 At yes. 49 applications. 40 MR. GRAY; And 14 is? 41 MR. GRAY; And 14 is? 41 MR. GRAY; All right. 40 At Yes. 40 At Yes. 40 Q. Sheriff, when you made reference about trying to limit the expansion of the about trying to limit the expa	tiff's ne
Q. Okay. And you placed no limitation 4 on Class A bingo licenses? 5 A. Because I didn't see any growth in 6 it in any way. 7 Q. All right. Now, you were asked 8 earlier a question about Reach One, Teach One 9 not including in its application its articles of 10 incorporation or stating when that organization 11 was formed or incorporated. 12 Do you remember that? 13 A. Yes, sir. 14 Q. But several organizations have 15 applied and been given application for bingo 16 licenses who didn't state anything about when 17 they were incorporated; isn't that a fact? 18 A. In their folders there is 19 something, a – in their statement there is – 20 there is some article that addresses their 21 incorporation. 22 Q. We had asked you to produce all of 23 the applications that we were given. 24 Are you saying to me that there is 25 more to the applications that were submitted 26 than what counsel produced to us? I mean, I'm 27 more to the applications that were submitted 28 than what counsel produced to us? I mean, I'm 29 MR. GRAY; And 14 is? 4 14? 5 MR. THOMAS: Yes. 6 MR. THOMAS: That's all of t actual applications. 9 MR. GRAY; All right. 10 actual applications. 10 applications that we produced. 11 MR. GRAY: All right. (Whereupon, said document of its application as plaintified to the deposition of David P. Warree 15 deposition of David P. Warree 16 Q. Sheriff, when you made reference about trying to limit the expansion of the about tr	ne
4 on Class A bingo licenses?  5 A. Because I didn't see any growth in 6 it in any way.  7 Q. All right. Now, you were asked 8 earlier a question about Reach One, Teach One 9 not including in its application its articles of 10 incorporation or stating when that organization 11 was formed or incorporated. 12 Do you remember that? 13 A. Yes, sir. 14 Q. But several organizations have 15 applied and been given application for bingo 16 licenses who didn't state anything about when 17 they were incorporated; isn't that a fact? 18 A. In their folders there is something, a — in their statement there is — 19 something, a — in their statement there is — 20 there is some article that addresses their 21 incorporation. 22 Q. We had asked you to produce all of 23 the applications for bingo licenses, and this is 20 Q. We had asked you to produce all of 23 the applications for bingo licenses, and this is 21 the information that we were given. 2 Are you saying to me that there is 3 more to the applications that were submitted 4 than what counsel produced to us? I mean, I'm 5 Just — 6 A. Yes.  6 MR. GRAY: And 14 is?  7 MR. THOMAS: Yes.  8 actual applications.  9 MR. GRAY; All right.  (Whereupon, said document of applications that we produced.  11 MR. GRAY: All right.  (Whereupon, said document of applications that we produced.  11 MR. GRAY: All right.  (Whereupon, said document of applications that we produced.  11 MR. GRAY: All right.  (Whereupon, said document of applications that we produced.  12 Q. Sheriff, when you made refe about trying to limit the expansion of the Class B bingo licenses — do you recatestimony?  20 A. Yes.  21 Q. Isn't it a fact that VictoryLan has added a lot of machines to its quallocation?  22 Q. Well, how is that limiting — were you advised that they were adding more made than what counsel produced to us? I mean, I'm A. Yes.  5 Q. Did you approve it?  6 A. Yes.	ne
5 A. Because I didn't see any growth in 6 it in any way. 7 Q. All right. Now, you were asked 8 earlier a question about Reach One, Teach One 9 not including in its application its articles of 10 incorporation or stating when that organization 11 was formed or incorporated. 12 Do you remember that? 13 A. Yes, sir. 14 Q. But several organizations have 15 applied and been given application for bingo 16 licenses who didn't state anything about when 17 they were incorporated; isn't that a fact? 18 A. In their folders there is 19 something, a – in their statement there is – 20 there is some article that addresses their 21 incorporation. 22 Q. We had asked you to produce all of 23 the applications that we were given. 2 Are you saying to me that there is 3 more to the applications that were submitted 4 than what counsel produced to us? I mean, I'm 5 just – 6 A. Yes.	
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4 than what counsel produced to us? I mean, I'm 5 just 6 A. Yes. 6 A. Yes. 6 A. Yes. 6 A. Yes.	hines?
6 A. Yes. 6 A. Yes.	
7. 100.	
7 Q. I've gone through what was produced 7 Q. And you approved when did you	
8 to us, the applications. 8 approve them?	
9 A. Yes. 9 MR. GRAY, JR.: If you know, say	
10 Q. And I just did a little sampling. 10 when. If not, say you don't know.	
11 There are some more I can show you, but I guess 11 THE WITNESS: I don't know when.	
12 my key question to you is that Reach One, Teach   12 Q. (By Mr. Thomas) A newspaper	
13 One's application is no different than these 13 article kind of reports that 2,500 new machin	
14 several I've shown you, is it?  14 have been added at VictoryLand since Dece	
15 A. Yes. 15 2003.	
16 Q. It's no difference, is it? 16 MR. THOMAS: And let me show it	ember
17 A. No. 17 your lawyer first.	ember
18 MR. THOMAS: If we could, can we 18 MR. GRAY: Which newspaper was	ember
19 mark - Fred, these are all of the applications 19 and when?	ember o
20 for bingo licenses that you produced to us. 20 MR. THOMAS: Tuskegee News.	ember o
21 MR. GRAY, JR.: Sure. 21 MR. GLASSO: The Tuskegee New	ember o
22 MR. THOMAS: And I would want to 22 MR. GRAY, JR.: Where they	ember o this
23 just go ahead and have them marked and made a 23 published the rules.	ember o this

	Page 321		Page 323
			•
1	MR. GRAY: When was it?	1	A. That is one location.
2	MR. GRAY, JR.: What's the date of	2	Q. One location that is expanding?
3	this? Mr. Glasso, what's the date of this?	3	A. Uh-huh (affirmative).
4	MR. GLASSO: I don't have the date	4	Q. All right. What's the difference
5	with me.	5	between one location expanding and another I
6	MR. GRAY, JR.: Okay.	6	mean, I guess what I'm trying to say, if the
7	MR. THOMAS: Why don't you mark	7	Attorney General has expressed concerns about
8	that.	8	the expansion of gambling in Alabama based on
9	(Whereupon, said document was	9	your interpretation
10	marked for identification as	10	A. Right.
11	Plaintiffs' Exhibit No. 15 to the	11	Q and you're allowing VictoryLand
12	deposition of David M. Warren.)	12	to add 700 more machines, isn't it somewhat
13	Q. Sheriff, let me show you	13	inconsistent?
14	Plaintiffs' Exhibit 15.	14	<ul> <li>A. It could be interpreted as</li> </ul>
15	A. Uh-huh (affirmative).	15	inconsistent.
16	Q. And this is a photo wherein I see	16	MR. THOMAS: Okay. Let's do this.
17	you are present. Do you recall that particular	17	MR. GRAY, JR.: Have you got
18	time?	18	anything else?
19	A. Yes.	19	MR. THOMAS: Hold on a second,
20	Q. And apparently you are	20	lawyer. Just hold your
21	participating in the ribbon cutting, which was	21	MR. GRAY, JR: Okay. We've been
22	held at VictoryLand on March 22nd. Do you	22	here for eight hours.
23	recall what year that was?	23	MR. THOMAS: Yeah. We've all been
	Page 322		Page 324
	•	1	here. And we're going to be here on Friday.
1	• • • • • • • • • • • • • • • • • • • •		
	O Varrages made guard that this new	}	
2	Q. You were made aware that this new	2	I want to go ahead and make sure
3	wing that had been added to VictoryLand would	2 3	I want to go ahead and make sure that I've had made a part of his deposition all
3 4	wing that had been added to VictoryLand would have 700 new state-of-the-art bingo machines?	2 3 4	I want to go ahead and make sure that I've had made a part of his deposition all exhibits.
3 4 5	wing that had been added to VictoryLand would have 700 new state-of-the-art bingo machines?  A. Yes.	2 3 4 5	I want to go ahead and make sure that I've had made a part of his deposition all exhibits. MR. GRAY, JR.: You just
3 4 5 6	wing that had been added to VictoryLand would have 700 new state-of-the-art bingo machines?  A. Yes.  Q. Bringing the total machines for	2 3 4 5 6	I want to go ahead and make sure that I've had made a part of his deposition all exhibits.  MR. GRAY, JR.: You just  MR. THOMAS: Slow down, lawyer.
3 4 5 6 7	wing that had been added to VictoryLand would have 700 new state-of-the-art bingo machines?  A. Yes.  Q. Bringing the total machines for charity bingo at VictoryLand to about 2,500?	2 3 4 5 6 7	I want to go ahead and make sure that I've had made a part of his deposition all exhibits.  MR. GRAY, JR.: You just  MR. THOMAS: Slow down, lawyer.  Another minute ain't going to hurt you. We've
3 4 5 6 7 8	wing that had been added to VictoryLand would have 700 new state-of-the-art bingo machines?  A. Yes.  Q. Bringing the total machines for charity bingo at VictoryLand to about 2,500?  A. Yes.	2 3 4 5 6 7 8	I want to go ahead and make sure that I've had made a part of his deposition all exhibits.  MR. GRAY, JR.: You just  MR. THOMAS: Slow down, lawyer.  Another minute ain't going to hurt you. We've been doing petty good all day.
3 4 5 6 7 8 9	wing that had been added to VictoryLand would have 700 new state-of-the-art bingo machines?  A. Yes.  Q. Bringing the total machines for charity bingo at VictoryLand to about 2,500?  A. Yes.  MR. GRAY: That's 16?	2 3 4 5 6 7 8 9	I want to go ahead and make sure that I've had made a part of his deposition all exhibits.  MR. GRAY, JR.: You just MR. THOMAS: Slow down, lawyer.  Another minute ain't going to hurt you. We've been doing petty good all day.  And, sheriff, let me just check my
3 4 5 6 7 8 9 10	wing that had been added to VictoryLand would have 700 new state-of-the-art bingo machines?  A. Yes. Q. Bringing the total machines for charity bingo at VictoryLand to about 2,500?  A. Yes. MR. GRAY: That's 16? MR. THOMAS: This is 15.	2 3 4 5 6 7 8 9 10	I want to go ahead and make sure that I've had made a part of his deposition all exhibits.  MR. GRAY, JR.: You just MR. THOMAS: Slow down, lawyer.  Another minute ain't going to hurt you. We've been doing petty good all day.  And, sheriff, let me just check my notes. I don't have anything else, sheriff, to
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1 2 3 4 5 6 7 .8 9 10 11 12 13 14 15 16 17 18 19 20 21	CERTIFICATE I, BELINDA S. BREWSTER, Notary Public for the State of Alabama at Large, hereby certify that the foregoing deposition was taken down by me in stenotype, the questions and answers thereto were transcribed by means of computer-aided transcription and that the foregoing represents a true and correct transcript of proceedings had on said occasion. I further certify that the witness was duly sworn by me, that I am in no way related to nor employed by any of the parties, the witness or counsel, and that I have no interest in the outcome of this matter. Given under my hand and seal this the 11th day of September, 2006.  Belinda S. Brewster Notary Public	
22 23 24	My Commission Expires: September 1, 2009	

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